

GARFIELD COUNTY  
 Building & Planning Department  
 108 8<sup>th</sup> Street, Suite 401  
 Glenwood Springs, Colorado 81601  
 Telephone: 970.945.8212 Facsimile: 970.384.3470  
[www.garfield-county.com](http://www.garfield-county.com)

RECEIVED

JUN 01 2010

GARFIELD COUNTY  
 BUILDING & PLANNING

## SUBDIVISION APPLICATION

(CHECK THE BOX THAT APPLIES)

- SKETCH PLAN (optional)
- CONSERVATION SUBDIVISION
- PRELIMINARY PLAN
- PRELIMINARY PLAN AMENDMENT
- FINAL PLAT
- FINAL PLAT AMENDMENT / CORRECTION PLAT
- COMBINED PRELIMINARY PLAN & FINAL PLAT

### GENERAL INFORMATION (Please print legibly)

- Name of Property Owner: Bob + Mary Labossi
- Mailing Address: 44523 Highway 6 Telephone: (970) 379-0780
- City: Glenwood Springs State: CO Zip Code: 81601 Cell: ( ) \_\_\_\_\_
- E-mail address: rocky @ pitteiniron . com FAX: ( ) \_\_\_\_\_
- Name of Owner's Representative, if any, (Attorney, Planner, Consultant, etc):
- John L. Taufer - John L. Taufer + Assoc., Inc.
- Mailing Address: P.O. Box 2221 Telephone: (970) 945-1337
- City: Glenwood Springs State: CO Zip Code: 81602 Cell: (970) 618-0497
- E-mail address: jlt @ hopris . net FAX: (970) 945-7914
- Location of Property: Section 35 Township 5 S Range 90 W
- Assessor's Parcel Number: 2123 - 352 - 00 - 185
- Practical Location / Address of Property: 44523 Highway 6  
Glenwood Springs, Colorado 81601
- Current Size of Property to be Subdivided (in acres): 20.22
- Number of Tracts / Lots Created within the Proposed Subdivision: 4 lots

GENERAL INFORMATION continued...

- > Proposed Water Source: Individual wells (shared)
- > (See "Attachment C" to be completed with Preliminary Plan Application)
- > Proposed Method of Sewage Disposal: 16526
- > Proposed Public Access VIA: Highway 6
- > Easements: Utility: \_\_\_\_\_  
Ditch: \_\_\_\_\_
- > Total Development Area (fill in the appropriate boxes below):

(1) Residential	Units / Lots	Size (Acres)	Parking Provided
Single-Family	4 lots - 4	20.22	2 spaces / unit
Duplex	Primary Units 1		
Multi-Family	4 ADU's		
Mobile Home			
Total	4 Primary Res. Units & 4 ADU's	20.22	16 spaces

	Floor Area (sq. ft.)	Size (Acres)	Parking Provided
(2) Commercial			
(3) Industrial			
(4) Public / Quasi-Public			
(5) Open Space / Common Area			
Total			

The following general application materials are required for all types of subdivisions in Garfield County. Application materials that are specific to an individual application type (Conservation Subdivision, Preliminary Plan, etc.) are detailed in Section 5-501 of Article V of the Unified Land Use Resolution (ULUR) of 2008.

1. Submit a completed and signed Application Form, an application fee, and a signed Agreement for Payment form.
2. A narrative explaining the purpose of the application and supporting materials that address the standards and criteria found in Article VII of the Unified Land Use Resolution of 2008.
3. Copy of the deed showing ownership. Additionally, submit a letter from the property owner(s) if the owner is being represented by another party other than the owner. If the property is owned by a corporate entity (such as an LLC, LLLP, etc.) please submit a copy of recorded "Statement of Authority" demonstrating that the person signing the application has the authority to act in that capacity for the entity.

4. Submit a copy of the appropriate portion of a Garfield County Assessor's Map showing the subject property and all public and private landowners adjacent to your property (which should be delineated). In addition, submit a list of all property owners, private and public, and their addresses adjacent to or within 200 ft. of the site. This information can be obtained from the County Assessor's Office. You will also need the names (if applicable) of all mineral interest owners of the subject property, identified in the County Clerk and Recorder's records in accordance with §24-65.5-101, et seq. (That information may be found in your title policy under Exceptions to Title).
5. Vicinity map: An 8 ½ x 11 vicinity map locating the parcel in the County. The vicinity map shall clearly show the boundaries of the subject property and all property within a 3-mile radius of the subject property. The map shall be at a minimum scale of 1"=2000' showing the general topographic and geographic relation of the proposed exemption to the surrounding area for which a copy of U.S.G.S. quadrangle map may be used.
6. A copy of the Pre-Application Conference form.
7. Submit 3 copies of this completed application and all the required submittal materials to the Building and Planning Department. Staff will request additional copies once the application has been deemed technically complete.

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The following section outlines and describes the subdivision processes for the variety of subdivision actions that are governed by the Board of County Commissioners by the Unified Land Use Resolution of 2008 (ULUR). Please refer to Article V in the regulations themselves for a higher level of detail.

## I. THE SKETCH PLAN

The sketch plan process (more fully defined in Article V, Section 5-301 of the ULUR) is an optional plan review process intended to review at a conceptual level the feasibility and design characteristics of the proposed division of land. The Yield Plan Review process, set forth in Section 5-309, may be combined with Sketch Plan Review for applications proposing Conservation Subdivision.

- A. Process: The Sketch Plan Review process shall consist of the following procedures and as more fully described in Article V, Section 5-301 of the ULUR:
  1. Application
  2. Determination of Completeness
  3. Evaluation by Director/Staff Review
  4. Review by Planning Commission
- B. Application Materials: The Sketch Plan review process is set forth in Article V, Section 5-301 of the ULUR, Sketch Plan Review and requires the following materials.
  1. Application Form and Fees
  2. Vicinity Map (5-502(C)(2))
  3. Yield Plan (required for Conservation Subdivision)
  4. Sketch Plan Map (5-502(C)(2))
  5. Land Suitability Analysis (4-502(D))

## II. THE CONSERVATION SUBDIVISION

The Conservation Subdivision (as described in Article V, Section 5-308 of the ULUR) is a clustered residential development option that allows reduced lot size and provides density bonuses in exchange for preservation of rural lands through provision of open space. A Conservation Subdivision shall be designed as a Density Neutral Development Plan or an Increased Density Development Plan. The design standards for each development Plan option are set forth in Article VII, Section 7-501 of the ULUR.

A. Process: Conservation Subdivision Review process is the same as the general subdivision process with the addition of the Yield-Plan Review. The overall Conservation Subdivision Process shall consist of the following procedures and as more fully described in Article V, Section 5-301 of the ULUR:

1. Pre-Application Conference
2. Sketch Plan (optional)
3. Yield Plan Review (Can be reviewed concurrently with Preliminary Plan)
4. Preliminary Plan Review
5. Final Plat Review

B. Application Materials: The Conservation Subdivision review requires the following application materials that can found more fully described in Article V, Sections 5-502 and 7-501 of the ULUR:

1. Application Form and Fees
2. Sketch Plan (Optional) (5-501(J))
3. Yield Plan (5-502(C)(8))
4. Preliminary Plan (5-501(G))
5. Final Plat (5-501(E))
6. Narrative addressing Design Standards (7-501 through 7-503)

## III. THE PRELIMINARY PLAN

The preliminary plan review process will review the feasibility and design characteristics of the proposed subdivision based on the standards set forth in Article VII, *Standards*. The preliminary plan process will also evaluate preliminary engineering design. The Director may allow the preliminary plan and the final plat process to be combined if the proposed subdivision has seven (7) parcels or less and development of the lots does not require extensive engineering.

A. Process: Preliminary Plan Review process shall consist of the following procedures and as more fully described in Article V, Section 5-303(B) of the ULUR:

1. Pre-Application Conference
2. Determination of Completeness
3. Evaluation by Director/Staff Review

4. Public Hearing and Recommendation by Planning Commission
  5. Public Hearing and Decision by Board of County Commissioners
- B. Application Materials: The Preliminary Plan review requires the following application materials as more fully described in Article V, Section 5-502:
1. Application Form and Fees
  2. Preliminary Plan Map
  3. Yield Plan (Conservation Subdivision only)
  4. Open Space Plan, preliminary
  5. Open Space Management Plan
  6. Landscape Plan (Common Ownership Areas)
  7. Impact Analysis
  8. Land Suitability Analysis
  9. Lighting Plan consistent with standards in 7-305
  10. Visual Analysis
  11. Preliminary Engineering Reports and Plans
    - a) streets, trails, walkways and bikeways
    - b) engineering design and construction features for any bridges, culverts or other drainage structures to be constructed
    - c) identification and mitigation of geologic hazards
    - d) sewage collection, and water supply and distribution system
    - e) Erosion and Sediment Control Plan
    - f) Water Supply Plan
    - g) Sanitary Sewage Disposal Plan
  12. Draft Improvements Agreement, Covenants and Restrictions and By-laws

#### IV. THE PRELIMINARY PLAN AMENDMENT

Any proposal to change a preliminary plan approved under these Regulations shall require application to the Director for Amendment of an Approved Preliminary Plan. The Director shall review the application to determine whether the proposed change constitutes a substantial modification to the approved plan as more fully described in Article V, Section 5-304. (A substantial modification is defined as a Substantial Change in Article XVI: Definitions)

- A. Outline of Process. The review process for a proposed Amendment of an Approved Preliminary Plan shall consist of the following procedures.
1. Pre-Application Conference
  2. Application
  3. Determination of Completeness
  4. Evaluation by Director/Staff Review
  5. Decision by Director
- B. Application Materials: The Preliminary Plan Amendment review requires the following application materials as more fully described in Article V, Section 5-501(H):

1. Application Form
2. Written Statement of proposed amendment(s)
3. Supporting documents necessary to evaluate the proposed revision(s)

## V. THE FINAL PLAT REVIEW

Unless otherwise provided by these Regulations, the applicant must receive preliminary plan approval before beginning the final plat process. The final plat review is to formally finalize the actions resultant from the preliminary plan in order to complete the subdivision process.

A. Outline of Process. The Final Plat Review process shall consist of the following procedures:

1. Application
2. Determination of Completeness
3. Evaluation by Director/Staff Review
4. Review and Action by Board of County Commissioners
5. Recordation of Plat

B. Application Materials: The Final Plat review requires the following application materials as more fully described in Article V, Section 5-502:

1. Application Form and Fee
2. Final Plat
3. Final Engineering Reports and Plans
  - a) Streets, trails, walkways and bikeways
  - b) Engineering design and construction features for any bridges, culverts or other drainage structures to be constructed
  - c) Mitigation of geologic hazards
  - d) Sewage collection, and water supply and distribution system
  - e) Soil suitability information
  - f) Groundwater drainage
  - g) Erosion and Sediment Control Plan (4-602 C. 4.)
  - h) Final cost estimates for public improvements
  - i) The certification listing all mortgages, liens judgments, easements, contracts, and agreements of record regarding the land to be platted and the Board of County Commissioners may require, at its discretion, that the holders of such mortgages, liens, judgments, easements, contracts or agreements shall be required to join in and approve the application for Final Plat approval before such Final Plat is accepted for review. All other exceptions from title shall be delineated.
4. Landscape Plan (Common Area) (4-602 5.)
5. Open Space Plan (if applicable)
6. Open Space Management Plan (If applicable)

7. Improvements Agreement, if applicable [include record drawings in digital format, (4-602 J.)]
8. Letter of Intent for service from all of the utility service providers
  - a) Contract for Service, required prior to Final Plat recordation.
9. Final Declarations of Covenants and Restrictions, HOA articles of incorporation and bylaws
10. Final Fees to be paid (School-Land Dedication / Traffic Impact Fees)

## VI. THE FINAL PLAT AMENDMENT / CORRECTION PLAT REVIEW

The purpose of the Final Plat Amendment review is to allow for certain amendments to an approved Final Plat. An amendment may be made to a recorded Final Plat if such amendment does not increase the number of subdivision lots or result in a major relocation of a road or add one or more new roads (pursuant to Section 5-306). A correction can be made to a recorded plat in order to correct an engineering error, mislabeling issue, etc. that does not affect the substance of the plat.

A. Outline of Processes. The review processes for amending a Final Plat or an Exemption Plat shall consist of the following regardless of whether the division was initially approved as a subdivision or an Exemption:

1. Four (4) Subdivision Lots: The Administrative Review Process, detailed in Section 4-104 of Article IV, shall be used for review of a request to amend or correct a Final Plat modifying lot lines, building envelopes, easement locations or other interests affecting up to four (4) subdivision lots.

An Amended Final Plat or an Amended Exemption Plat which modifies lot lines or easements affecting not more than two (2) adjacent lots or Exemption Lots or a single building envelope shall be subject to the Administrative Review Process set forth in Section 4-104 of Article IV, with the addition of presentation of the Amended Plat to the Board of County Commissioners for signature, prior to recording with the Office of the Clerk and Recorder.

2. More Than Four Lots: The Major Exemption Review Process, detailed in Section 5-403, shall be used to amend a Final Plat or an Exemption Plat modifying lot lines, building envelopes, easement locations or other interests affecting more than four (4) subdivision lots or Exemption Lots.

An Amended Final Plat which modifies lot lines or easements affecting more than four (4) subdivision lots or more than one (1) building envelope shall be subject to the Major Exemption Review Process set forth in Section 5-403.


B. Application Materials: The Final Plat Amendment / Corrected Plat review requires the following application materials as more fully described in Article V, Section 5-502:

1. Application Form and Fee
2. Preliminary Plan (5-501(G))

3. Final Plat, Amended Final Plat
4. Subdivision Improvement Agreement, if necessary

The Director may allow the Preliminary Plan and the Final Plat process to be combined if the proposed subdivision has seven (7) parcels or less and development of the lots does not require extensive engineering. (Section 5-303) No submittal of a combined application shall be allowed until the Director has made a determination after holding a pre-application conference.

I have read the statements above and have provided the required attached information which is correct and accurate to the best of my knowledge.

  
(Signature of Property Owner)

11-12-09

Date

11/12/09



**GARFIELD COUNTY BUILDING AND PLANNING DEPARTMENT**

**PAYMENT AGREEMENT FORM**

*(Shall be submitted with application)*

GARFIELD COUNTY (hereinafter COUNTY) and Roc A Gabossi  
Property Owner (hereinafter OWNER) agree as follows:

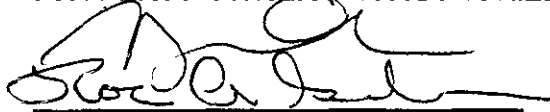
1. OWNER has submitted to COUNTY an application for Preliminary Plan / Final  
Plot - old Orchard subdivision (hereinafter, THE PROJECT).

2. OWNER understands and agrees that Garfield County Resolution No. 98-09, as amended, establishes a fee schedule for each type of subdivision or land use review applications, and the guidelines for the administration of the fee structure.

3. OWNER and COUNTY agree that because of the size, nature or scope of the proposed project, it is not possible at this time to ascertain the full extent of the costs involved in processing the application. OWNER agrees to make payment of the Base Fee, established for the PROJECT, and to thereafter permit additional costs to be billed to OWNER. OWNER agrees to make additional payments upon notification by the COUNTY when they are necessary as costs are incurred.

4. The Base Fee shall be in addition to and exclusive of any cost for publication or cost of consulting service determined necessary by the Board of County Commissioners for the consideration of an application or additional COUNTY staff time or expense not covered by the Base Fee. If actual recorded costs exceed the initial Base Fee, OWNER shall pay additional billings to COUNTY to reimburse the COUNTY for the processing of the PROJECT mentioned above. OWNER acknowledges that all billing shall be paid prior to the final consideration by the COUNTY of any land use permit, zoning amendment, or subdivision plan.

**PROPERTY OWNER (OR AUTHORIZED REPRESENTATIVE)**



Signature

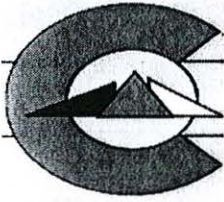
11-12-09  
11-12-09

Date

Roc A Gabossi

Print Name

Mailing Address: MARY Gabossi  
24523 Hwy 6  
Glenwood Springs  
Co. 81601



GARFIELD COUNTY  
 Building & Planning Department  
 108 8<sup>th</sup> Street, Suite 401  
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MAR 10 2010

GARFIELD COUNTY  
 BUILDING & PLANNING

CPFF-3-10-6341

## SUBDIVISION APPLICATION

(CHECK THE BOX THAT APPLIES)

- SKETCH PLAN (optional)
- CONSERVATION SUBDIVISION
- PRELIMINARY PLAN
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- FINAL PLAT
- FINAL PLAT AMENDMENT / CORRECTION PLAT
- COMBINED PRELIMINARY PLAN & FINAL PLAT

### GENERAL INFORMATION (Please print legibly)

- Name of Property Owner: Bob & Mary Lehoski
- Mailing Address: 44523 Highway 6 Telephone: (970) 379-0780
- City: Glenwood Springs State: CO Zip Code: 81601 Cell: ( ) \_\_\_\_\_
- E-mail address: rocky @ pitkiniron.com FAX: ( ) \_\_\_\_\_
  
- Name of Owner's Representative, if any, (Attorney, Planner, Consultant, etc):
- John L. Taufer - John L. Taufer & Assoc., Inc.
- Mailing Address: P.O. Box 2221 Telephone: (970) 945-1337
- City: Glenwood Springs State: CO Zip Code: 81602 Cell: (970) 618-0497
- E-mail address: jlt @ hopris.net FAX: (970) 945-7914
  
- Location of Property: Section 35 Township 5 S Range 90 W
- Assessor's Parcel Number: 2123-352-00-125
- Practical Location / Address of Property: 44523 Highway 6  
Glenwood Springs, Colorado 81601
- Current Size of Property to be Subdivided (in acres): 20.22
- Number of Tracts / Lots Created within the Proposed Subdivision: 4 lots

GENERAL INFORMATION continued...

- Proposed Water Source: Individual wells (shared)
- (See "Attachment C" to be completed with Preliminary Plan Application)
- Proposed Method of Sewage Disposal: 1426
- Proposed Public Access VIA:  Hwy 6
- Easements: Utility: \_\_\_\_\_  
Ditch: \_\_\_\_\_
- Total Development Area (fill in the appropriate boxes below):

(1) Residential	Units / Lots	Size (Acres)	Parking Provided
Single-Family	4 Lots - 4	20.22	2 spaces / unit
Duplex	Primary Units 1		
Multi-Family	4 ADU's		
Mobile Home			
Total	4 Primary Res. Units + 4 ADU's	20.22	16 spaces

	Floor Area (sq. ft.)	Size (Acres)	Parking Provided
(2) Commercial			
(3) Industrial			
(4) Public / Quasi-Public			
(5) Open Space / Common Area			
Total			



The following general application materials are required for all types of subdivisions in Garfield County. Application materials that are specific to an individual application type (Conservation Subdivision, Preliminary Plan, etc.) are detailed in Section 5-501 of Article V of the Unified Land Use Resolution (ULUR) of 2008.

1. Submit a completed and signed Application Form, an application fee, and a signed Agreement for Payment form.
2. A narrative explaining the purpose of the application and supporting materials that address the standards and criteria found in Article VII of the Unified Land Use Resolution of 2008.
3. Copy of the deed showing ownership. Additionally, submit a letter from the property owner(s) if the owner is being represented by another party other than the owner. If the property is owned by a corporate entity (such as an LLC, LLLP, etc.) please submit a copy of recorded "Statement of Authority" demonstrating that the person signing the application has the authority to act in that capacity for the entity.

3. Final Plat, Amended Final Plat
4. Subdivision Improvement Agreement, if necessary

The Director may allow the Preliminary Plan and the Final Plat process to be combined if the proposed subdivision has seven (7) parcels or less and development of the lots does not require extensive engineering. (Section 5-303) No submittal of a combined application shall be allowed until the Director has made a determination after holding a pre-application conference.

I have read the statements above and have provided the required attached information which is correct and accurate to the best of my knowledge.

  
(Signature of Property Owner)  


11-12-09  
Date  
11/12/09

**GARFIELD COUNTY BUILDING AND PLANNING DEPARTMENT**

**PAYMENT AGREEMENT FORM**

*(Shall be submitted with application)*

GARFIELD COUNTY (hereinafter COUNTY) and Roc & Mary Gabossi  
\_\_\_\_\_ Property Owner (hereinafter OWNER) agree as follows:

1. OWNER has submitted to COUNTY an application for Preliminary Plan / Final Plat - old Orchard subdivision (hereinafter, THE PROJECT).
2. OWNER understands and agrees that Garfield County Resolution No. 98-09, as amended, establishes a fee schedule for each type of subdivision or land use review applications, and the guidelines for the administration of the fee structure.
3. OWNER and COUNTY agree that because of the size, nature or scope of the proposed project, it is not possible at this time to ascertain the full extent of the costs involved in processing the application. OWNER agrees to make payment of the Base Fee, established for the PROJECT, and to thereafter permit additional costs to be billed to OWNER. OWNER agrees to make additional payments upon notification by the COUNTY when they are necessary as costs are incurred.
4. The Base Fee shall be in addition to and exclusive of any cost for publication or cost of consulting service determined necessary by the Board of County Commissioners for the consideration of an application or additional COUNTY staff time or expense not covered by the Base Fee. If actual recorded costs exceed the initial Base Fee, OWNER shall pay additional billings to COUNTY to reimburse the COUNTY for the processing of the PROJECT mentioned above. OWNER acknowledges that all billing shall be paid prior to the final consideration by the COUNTY of any land use permit, zoning amendment, or subdivision plan.

**PROPERTY OWNER (OR AUTHORIZED REPRESENTATIVE)**

  
Signature

11-12-09  
11-12-09  
Date

Roc A. Gabossi  
Print Name

MARY Gabossi  
Mailing Address: 24523 Hwy 6  
Glenwood Springs  
Co. 81601

**JOHN L. TAUFER & ASSOCIATES, INC.**

Landscape Architecture / Land Planning

May 27, 2010

Molly Orkild-Larson, Senior Planner  
Garfield County Building & Planning Department  
101 W. 8<sup>th</sup> Street Ste 400  
Glenwood Springs, Colorado 81601

Re: Old Orchard Subdivision- Combined Preliminary Plan/Final Plat

Dear Molly,

On behalf of Roc and Mary Gabossi, we are re-submitting the combination Preliminary Plan/Final Plat application for the Old Orchard Subdivision. We desire for the application, dated May 27, 2010, to be submitted and reviewed under the amended Combined Preliminary Plan/Final Plat ( 5-501(K), review process.

The application addresses the information you requested in your letter dated April 23, 2010 regarding our previous submittal as being technically incomplete. In addition, some of the information you requested was answered or clarified during our meeting with you and Debbie Quinn on May 14, 2010.

We did provide you, at the meeting, with an updated Title Commitment, proof of the transfer of irrigation water and proof of the transfer of potable water from the previous owner.

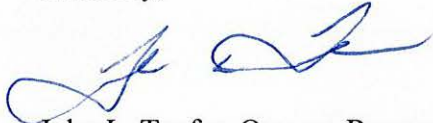
New information contained in the application consists of the following;

- Garfield County Standard SiA
- Review Project Summary ( includes information regarding flora, a request to allow a dead end road to exceed 600 feet in length), erosion control and cost estimates for improvements
- Declaration of Irrigation Water Use and Maintenance ( creates HOA for irrigation water)
- Revisions to Declaration of Well Water Use and Maintenance ( filing of annual reports)
- Included 3' high berm on Lot 3 ( Sheet 3 – Driveway Plan and Profile )
- Included cost of 3' high berm and potable water lines in Cost Estimate
- Provided narrative for Article VII, Divisions 1,2,3 and 4 and Division 8 Section 7-801
- Revised Plat to read " Final Plat"

- Included new Certificates on Final Plat
- Included County Plat Notes on Final Plat
- Included emergency services easement for access to pond on Lot 1

Thank you for your attention in reviewing the application.

Sincerely,



John L. Tafer, Owners Representative



**GARFIELD COUNTY**  
Building & Planning Department  
108 8<sup>th</sup> Street, Suite 401, Glenwood Springs, Colorado 81601  
Telephone: 970.945.8212 Facsimile: 970.384.3470  
0375 CR 352, Bldg #2060, Rifle, CO 81650  
Telephone: 970.625.5903 Facsimile: 625.5939 [www.garfield-county.com](http://www.garfield-county.com)

## PRE-APPLICATION CONFERENCE SUMMARY

**DATE:** 7/3/ 2009

**Parcel:** 21233500185

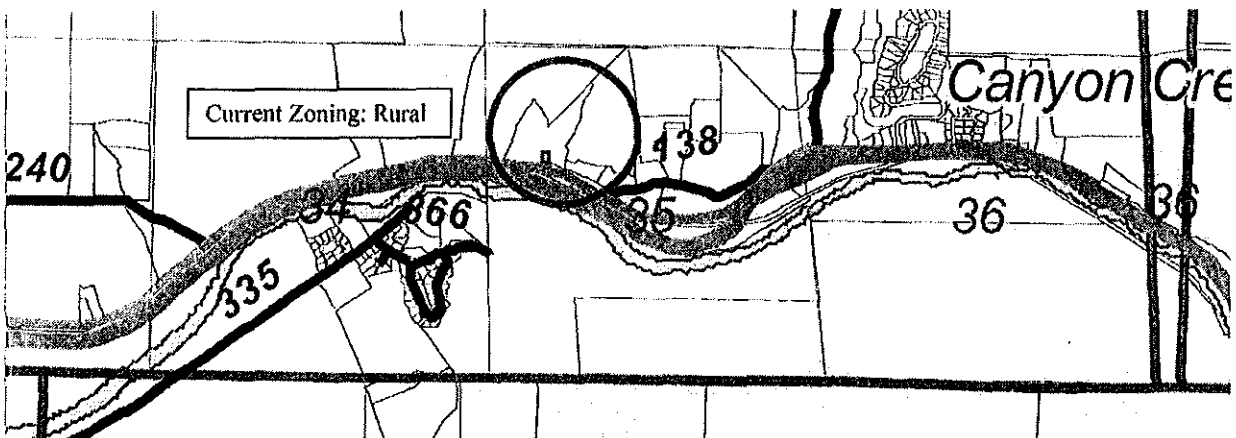
**PROJECT:** Rocky Gabossi SUB (4-lot SUB) 44523 Hwy 6 GWS

**OWNER:** Roc and Mary Ann GABOSSI

**REPRESENTATIVE:** John L. Taufer (945-1337) John L. Taufer & Associates, Inc. PO Box 9109 GWS 81602

**PRACTICAL LOCATION:** East of Canyon Creek on Hwy 6/24, east side of hwy

**TYPE OF APPLICATION:** 4-lot subdivision



### I. GENERAL PROJECT DESCRIPTION

Project is a 4-lot residential subdivision in the Rural zone. The current location is a 20.22-acre parcel owned by Rocky Gabossi at 44523 Hwy 6, Glenwood Springs. The location of the parcel is north of the Interstate and is residential and agricultural (orchard) in nature.

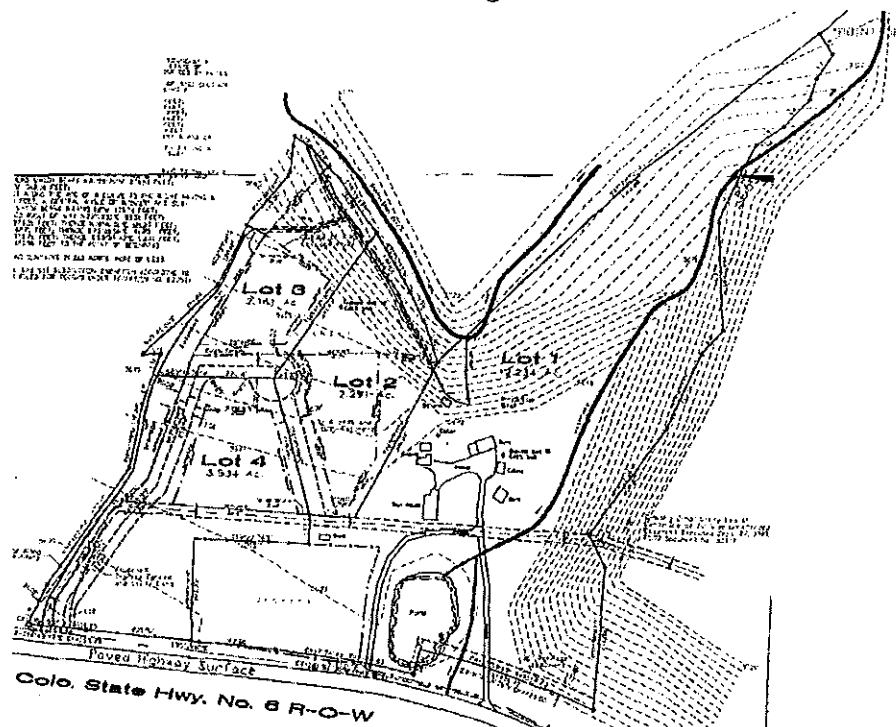
There are two existing access points on the parcel, driveway to the existing residence and agricultural on the west side of the parcel. Applicant is seeking a NOI from CDOT to change agricultural access to residential. CDOT has reported approved the location.

The parcel is fenced with agricultural barbed wire fencing, and can be described as having three distinct areas: orchard along old highway, residential yard area and canyon setting to the back of the parcel. Applicant proposes 4 lots (2 acre minimum), one to include existing residence and preserve much of the existing orchard. Three new lots would access



via shared location on the west to a cul-de-sac. Applicant proposes to call the development 'Old Orchard Subdivision' and has completed a Sketch Plan review. The following are recommendations from the associated Sketch Plan Staff Report:

- Review and respond to changes to the Town of New Castle Comprehensive Plan
- Respond to recommendations for fire protection and wildland fire interface safety
- Development by an engineering professional of a comprehensive Stormwater Plan to include components of drainage, erosion control, spill prevention and containment
- Evaluation of geologic conditions by the Colorado Geological Survey, and necessary response to any adverse conditions incorporated into the plan
- Development of a plan for the involved homeowners for managing ditches, wells, road maintenance, weed abatement and wildland fire management
- Payment of required fees for traffic impact and school land dedication



## II. REGULATORY PROVISIONS APPLICANT IS REQUIRED TO ADDRESS

- Garfield County Comprehensive Plan
- Garfield County Unified Land Use Resolution: 5-303, 5-501 G
  - Article III, Zoning (Rural)
  - Article V, Divisions of Land
  - Article, VII, Standards
- Physical and Legal Water Supply, Adequate Fire Protection, Adequate Road Access

## III. PROCESS In summary, the process will be the following (flowcharts follow):

- a. Pre-application Meeting
  1. Submittal of complete Subdivision Application

2. Review by staff for Technically Complete (TC) Status
3. Notice of TC to applicant with schedule; Applicant submits copies for referral to reviewing agencies
4. Applicant prepares public notice for posting, mailing, posting of site
5. Hearing scheduled for Planning Commission and referral copies sent to referring agencies and departments
6. Staff report preparation
7. Following recommendation from the Planning Commission, a hearing scheduled for Board of County Commissioners
8. Staff report preparation and Board of County Commissioners hearing for Final Plat Submittal and Review with Decision by Board of County Commissioners
9. Submittal of Final Plat Mylar for Signature

**IV. APPLICATION REVIEW**

a. **Review by:** Staff for completeness recommendation and referral agencies for additional technical review

b. **Public Hearing:**  Planning Commission  Board of County Commissioners

**c. Referral Agencies:**

GarCo: Road and Bridge, Attorney, Vegetation Management, Public Health Dept.	
GWS Fire Protection District	Division of Wildlife
School District Roaring Fork RE-1	CDOT (access permit)
Colorado Geological Survey	Town of New Castle

**V. APPLICATION REVIEW FEES**

a. **Planning Review Fees:** \$1075 (preliminary + final)

b. **Referral Agency Fees:** \$950 (Colorado Geological Survey (form provided))

c. **Total Deposit (GarCo): \$1075** (additional hours billed : \$40.50 /hour)

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**General Application Processing**

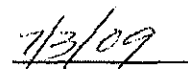
Planner reviews case for completeness and sends to referral agencies for comments. Case planner contacts applicant and sets up a site visit. Staff reviews application to determine if it meets standards of review. Case planner makes a recommendation of approval, approval with conditions, or denial to the appropriate hearing body.

**Disclaimer**

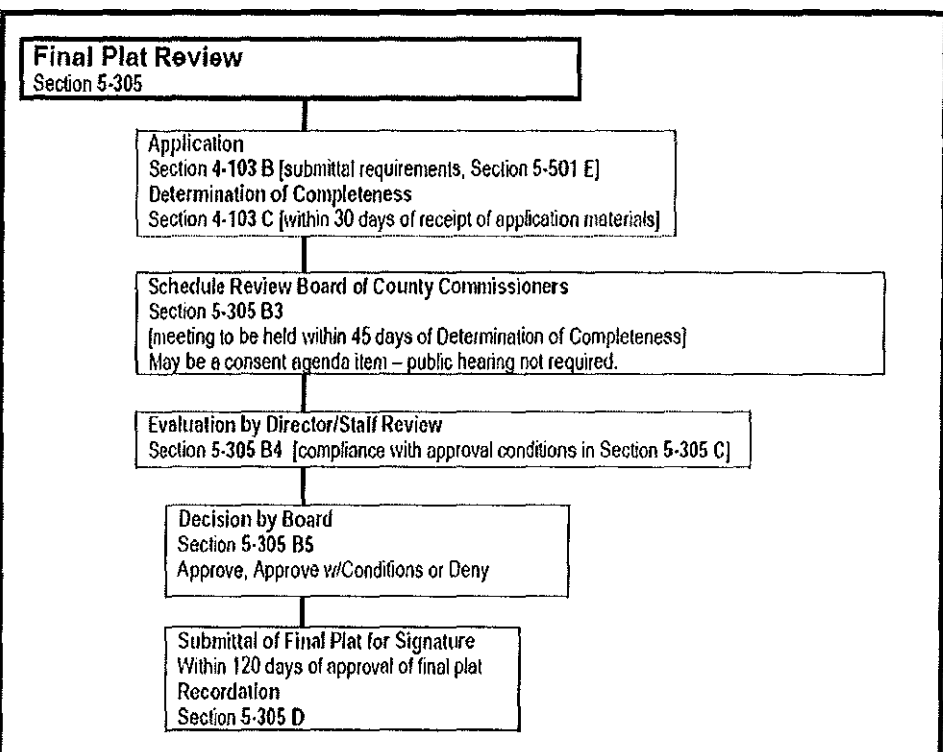
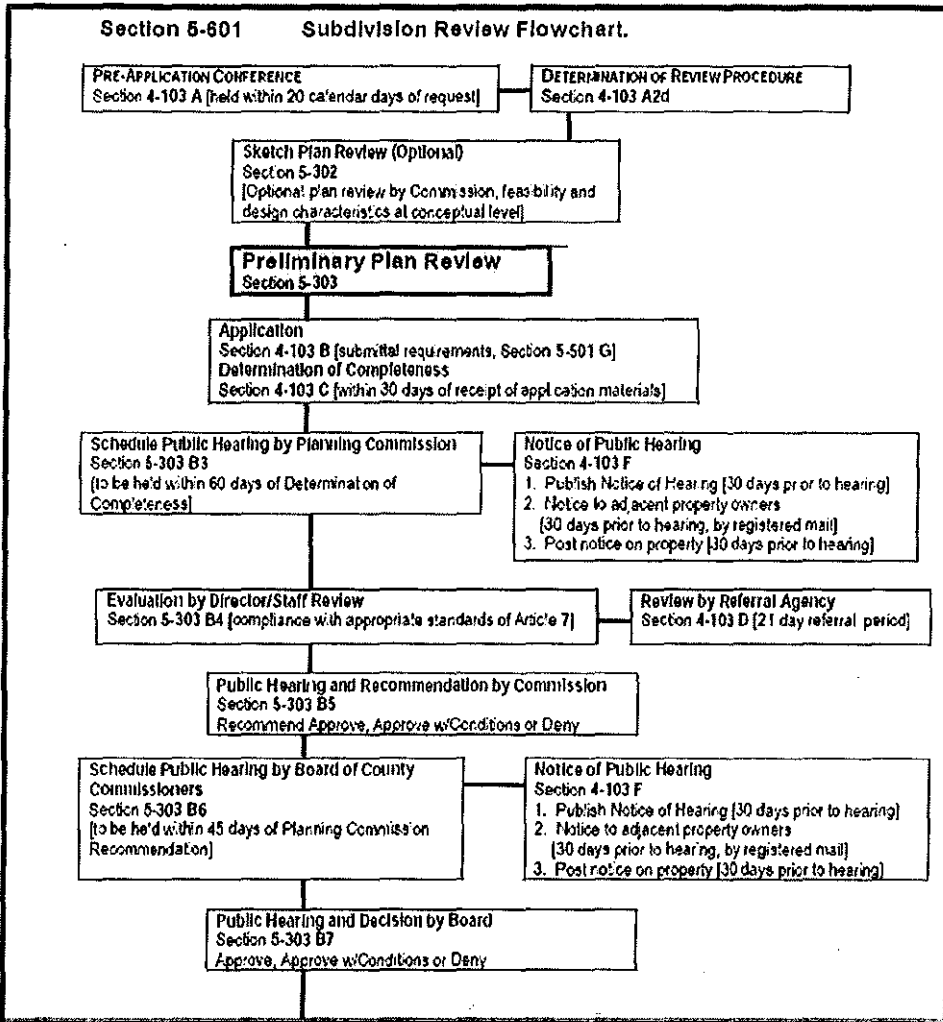
The foregoing summary is advisory in nature only and is not binding on the County. The summary is based on current zoning, which is subject to change in the future, and upon factual representations that may or may not be accurate. This summary does not create a legal or vested right.

**Pre-application Summary Prepared by:**

  
 \_\_\_\_\_  
 Dusty Dunbar , AICP

  
 \_\_\_\_\_  
 Date 7/3/09

**Section 5-601 Subdivision Review Flowchart.**



**PERSONAL REPRESENTATIVE'S DEED**

(Testate Estate)

THIS DEED is made by Terry Duprey

as Personal Representative of the Estate of  
Dorothy L. Bowles, A/K/A Dorothy Lucinda Bowles  
, deceased, Grantor,  
to Mary Ann Gabossi and Roc Anthony Gabossi  
, Grantee,  
whose legal address is 44523 HWY 6 & 24  
GLENWOOD SPRINGS, CO 81601

of the \_\_\_\_\_ \*County of Garfield, State of Colorado

WHEREAS, the Last Will and Testament of the above-named decedent was made and executed in the lifetime of the decedent, and is dated October 29, 1993, which Will was duly admitted to (formal) (informal)\*\* probate on March 25, 1997, by the District Court in and for the \_\_\_\_\_ County of Garfield, State of Colorado, Probate No. 97PR16

WHEREAS, Grantor was duly appointed Personal Representative of said Estate on March 25, 1997, and is now qualified and acting in said capacity.

NOW THEREFORE, pursuant to the powers conferred upon Grantor by the Colorado Probate Code, Grantor does hereby sell, convey, assign, transfer and set over unto said Grantee (in joint tenancy)\*\* (for and in consideration of Seven Hundred Thousand and no/100 Dollars)\*\*

(As the person entitled to distribution of the property in the above captioned Will)\*\* the following described real property situate in the \_\_\_\_\_ County of Garfield, State of Colorado:

See Exhibit A attached hereto and made a part hereof by this reference.

also known by street and number as: 44523 Highway 6, Glenwood Springs, Colorado 81601  
assessor's schedule or parcel number:

With all appurtenances, subject to covenants, easements and restrictions of record, and subject to general property taxes for the year 2001, and subject to patent reservations of record, encroachment of roadway on subject property as shown on First Amended Senior Mesa Plat recorded in Book 201 at page 502 and encroaching gravel access driveway and possessory rights outside fence shown on Improvement survey #27613 dated September 1, 1999. As used herein, the singular includes the plural and the plural the singular.

Executed April 18, 2001

Terry Duprey  
Terry Duprey  
Personal Representative of the Estate of Dorothy L. Bowles, A/K/A  
Dorothy Lucinda Bowles, Deceased

STATE OF COLORADO }  
COUNTY OF Garfield } ss.

The foregoing instrument was acknowledged before me this 18<sup>th</sup> day of April, 2001, by Terry Duprey as Personal Representative of the Estate of Dorothy L. Bowles, A/K/A Dorothy Lucinda Bowles, Deceased.

Witness my hand and official seal.  
My commission expires: 9-21-2002

\*If in Denver, insert "City and County of Denver"  
\*\*Strike as required

**ELLEN M. LIPSCOMB**  
NOTARY PUBLIC

Ellen M. Lipscomb  
Notary Public

Name and Address of Person Creating Notary Public: STATE OF COLORADO 35-106.5, C.R.S.

My Commission Expires 09/21/2002

Roc Anthony Gabossi  
44523 Hwy 6 & 24  
Glenwood Spgs CO 81601

300  
15-  
10



LEGAL DESCRIPTION

THAT TRACT AS DESCRIBED IN BOOK 208 AT PAGE 170 OF THE RECORDS OF GARFIELD COUNTY, COLORADO AND BEING A TRACT SITUATED IN THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 5 SOUTH, RANGE 90 WEST OF THE SIXTH PRINCIPAL MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH QUARTER CORNER OF SAID SECTION 35, SAID NORTH QUARTER CORNER BEING A 2" IRON PIPE WITH AN ALUMINUM CAP BEARING P.L.S. REGISTRATION #15710; THEN ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION, SOUTH 07 DEGREES 03'10" EAST A DISTANCE OF 1870.02 FEET TO THE NORTHEAST CORNER OF THAT TRACT AS DESCRIBED IN DOCUMENT RECORDED IN BOOK 871 AT PAGE 30 OF THE RECORDS OF SAID COUTNY; THEN ALONG THE NORTH AND WEST BOUNDARY OF SAID TRACT THE FOLLOWING THREE COURSES:

- 1) NORTH 90 DEGREES 00'00" WEST A DISTANCE OF 84.81 FEET;
- 2) SOUTH 00 DEGREES 40'50" WEST A DISTANCE OF 80.42 FEET;
- 3) SOUTH 10 DEGREES 10'24" EAST A DISTANCE OF 237.69 FEET TO INTERSECT THE NORTHERLY RIGHT OF WAY OF A COUNTY ROAD AS IT CROSSES THE SOUTHEAST QUARTER OF SAID NORTHWEST QUARTER, SAID RIGHT OF WAY BEING 30 FEET NORTHERLY OF THE CENTERLINE OF SAID ROAD AS LOCATED BY SURVEY IN JUNE 1993; THEN ALONG SAID NORTHERLY RIGHT OF WAY THE FOLLOWING FOUR COURSES:

- 1) SOUTH 68 DEGREES 56'19" WEST A DISTANCE OF 119.42 FEET;
- 2) SOUTH 75 DEGREES 17'17" WEST A DISTANCE OF 119.64 FEET;
- 3) SOUTH 79 DEGREES 09'05" WEST A DISTANCE OF 64.99 FEET;
- 4) SOUTH 67 DEGREES 03'21" WEST A DISTANCE OF 153.83 FEET TO INTERSECT THE NORTHERLY RIGHT OF WAY OF STATE HIGHWAY NUMBER 6 AND 24; THEN ALONG SAID NORTHERLY RIGHT OF WAY THE FOLLOWING SIX COURSES;

- 1) NORTH 65 DEGREES 14'00" WEST A DISTANCE OF 758.22 FEET;
- 2) 426.40 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 12 DEGREES 09'16" A RADIUS OF 2010.00 FEET AND A LONG CHORD WHICH BEARS NORTH 71 DEGREES 18'38" WEST A DISTANCE OF 425.60 FEET;
- 3) SOUTH 13 DEGREES 12'00" WEST A DISTANCE OF 50.00 FEET;
- 4) 270.72 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 07 DEGREES 54'49" A RADIUS OF 1960.00 FEET AND A LONG CHORD WHICH BEARS NORTH 81 DEGREES 21'35" WEST A DISTANCE OF 270.50 FEET;
- 5) NORTH 85 DEGREES 19'00" WEST A DISTANCE OF 368.00 FEET;
- 6) 109.74 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 01 DEGREES 06'25", A RADIUS OF 5680.00 FEET AND A LONG CHORD WHICH BEARS NORTH 84 DEGREES 45'48" WEST A DISTANCE OF 109.74 FEET TO A COLORADO DEPARTMENT OF HIGHWAYS RIGHT OF WAY MARKER; THEN DEPARTING SAID NORTHERLY RIGHT OF WAY AND ALONG THE EASTERLY LINE OF A PARCEL REFERRED TO AS THE "TIBBITS PLACE" AS DESCRIBED IN DOCUMENT RECORDED IN BOOK 491 AT PAGES 790 AND 791 OF THE RECORDS OF SAID COUNTY THE FOLLOWING 15 COURSES;

- 1) NORTH 23 DEGREES 00'10" EAST A DISTANCE OF 85.51 FEET;
- 2) NORTH 33 DEGREES 41'22" EAST A DISTANCE OF 273.31 FEET;
- 3) NORTH 10 DEGREES 41'01" EAST A DISTANCE OF 126.20 FEET;
- 4) NORTH 18 DEGREES 00'46" EAST A DISTANCE OF 102.71 FEET;
- 5) NORTH 89 DEGREES 42'59" WEST A DISTANCE OF 34.78 FEET;



579585 04/19/2001 04:09P B1246 P775 M ALSDORF  
3 of 3 R 15.00 D 70.00 GARFIELD COUNTY CO

Our Order No. GW235453-4

**LEGAL DESCRIPTION**

- 6) NORTH 45 DEGREES 44'37" EAST A DISTANCE OF 194.88 FEET;
- 7) NORTH 23 DEGREES 33'14" EAST A DISTANCE OF 128.60 FEET;
- 8) NORTH 37 DEGREES 48'14" EAST A DISTANCE OF 135.68 FEET;
- 9) NORTH 04 DEGREES 22'29" EAST A DISTANCE OF 85.53 FEET;
- 10) SOUTH 50 DEGREES 44'37" EAST A DISTANCE OF 38.18 FEET;
- 11) SOUTH 37 DEGREES 33'49" EAST A DISTANCE OF 59.61 FEET;
- 12) SOUTH 35 DEGREES 15'19" EAST A DISTANCE 161.50 FEET;
- 13) SOUTH 31 DEGREES 52'13" EAST A DISTANCE OF 130.89 FEET;
- 14) SOUTH 26 DEGREES 55'22" EAST A DISTANCE 62.07 FEET;
- 15) SOUTH 20 DEGREES 42'31" EAST A DISTANCE OF 84.87 FEET; THEN NORTH 45 DEGREES 21'31" EAST A DISTANCE OF 1856.54 FEET TO THE POINT OF BEGINNING.

COUNTY OF GARFIELD  
STATE OF COLORADO

# JOHN L. TAUFER & ASSOCIATES, INC.

Landscape Architecture / Land Planning

May 27, 2010

Molly Orkild-Larson, Senior Planner  
Garfield County Building & Planning Department  
109 W. 8<sup>th</sup> Street  
Glenwood Springs, Colorado 81601

Re: Preliminary Plan/Final Plat – Old Orchard Subdivision, Glenwood Springs,  
Colorado

Dear Fred,

On behalf of Roc & Mary Gabossi, I am pleased to submit this application for Preliminary Plan/Final Plat regarding the Old Orchard Subdivision, a proposed four (4) lot residential subdivision located on Highway 6 approximately one mile west of Canyon Creek. The proposed division of land will be created from a 20.22 acre parcel that was created by exemption in 2002 and is known as the Gabossi Subdivision Exemption.

## PROJECT SUMMARY

### Existing Property Conditions

The property is a 20.22 acre parcel located north of Highway 6 and approximately 1 mile west of Canyon Creek. An existing frame house is situated on the east side of the parcel along with a shed and a pond which is located just south of the frame house. A residential unit, located in the northwest corner of the property, is currently under construction. The residential unit was permitted by the County as an accessory dwelling unit (ADU) for Lot 1 of the Gabossi Subdivision Exemption.

The southern portion of the property slopes gently from Highway 6 to the north and then transitions to steeper slopes. This particular area is where the proposed development will occur. A large drainage basin is situated in the northeastern area of the property. The drainage basin is characterized by steep slopes on the western and eastern edges of the basin. No development is proposed in the drainage basin or on the eastern side of the property.

An old, grouping of established apple trees is located adjacent to Highway 6 and west of the existing residence. Another grouping of apple trees is located at the northwest corner of the property. The area between the apple trees and west of the southern orchard is open pasture. Other vegetation consists of Cottonwood trees, Pinon pine, Rocky Mtn.

Juniper, Gambel Oak, Serviceberry and native grasses. These vegetative species occur around the existing residence and on the steeper slopes and also in the drainage basin to the north of the existing residence.

### **Adjacent Land Uses**

The adjacent property to the east comprises of a mini storage facility and is zoned Commercial. The adjacent property to the west is primarily agricultural and includes a single family residence and some outbuildings. Highway 6 extends the length of the property to the south. The area to the north consist of undisturbed and undeveloped natural slopes and mesas.

### **Subdivision Lot Layout**

The proposed subdivision lot layout anticipates the creation of 4 single family residential lots. The largest lot, Lot 1, will include the existing residence, pond, the drainage basin to the north and the southern apple orchard. This lot is approximately 12.34 acres in size. In a previous action, Garfield County issued a special use permit for an Accessory Dwelling Unit (ADU) on Lot 1 of the Gabossi Subdivision Exemption. The permitted structure will be situated on Lot 3 of the proposed Old Orchard Subdivision.

Lots 2 and 3 are located in the northwest area of the parcel. These lots are located in part of the open pasture and the rear orchard area. Lot 2 is approximately 2.29 acres while Lot 3 is approximately 2.39 acres in size. Lot 4 is approximately 3.20 acres and is located in the open pasture area and west of the southern apple orchard.

All lots are in excess of the two (2) acre minimum lot size, as established as the minimum lot size, in the Rural Zone District.

Building envelopes have been established for Lots 2,3, and 4. A building envelope is not shown for Lot 1 since additional building development is not anticipated. The building envelopes represent buildable areas, at least one acre in size, with slopes less than 30%. The minimum distance that residential structures will be from Highway 6 is approximately 280 – 300 feet. This distance will from a nice visual buffer from Highway 6.

The southern apple orchard will be preserved in its entirety. The northern apple orchard will be preserved as much as possible but some trees will be selectively removed to accommodate residential buildings and other accessory uses.

The lot configuration and building envelopes are situated in areas that are relatively flat and in areas of existing, open pasture areas thus limiting the removal of existing vegetation. In addition, the location of dwelling units are in areas free of large canopy vegetation and other fire prone vegetation thus reducing the risk of wildland fire threat.



## **Access**

Access to the Old Orchard Subdivision will be from Highway 6. The historic access to Lot 1 and the existing residence will remain. This access is also used as a maintenance access for the Williams Canal. ✓

A secondary access, to Lots 2, 3 and 4, is located on the western end of the property. Access to Lots 2, 3 and 4 will be via a 40 foot access easement. The access will terminate with a 45 foot radius cul-de sac.

The Colorado Department of Transportation ( CDOT) issued an access permit, Permit No. 309040, for the secondary access point on the west end of the property. The access permit allows up to 4 single family dwellings and 4 accessory dwelling units. CDOT will allow the historic access, for Lot 1, to remain. In a statement from CDOT, the two access points will be allowed to remain as long as the entire subdivision remains as single family residential use. If a change in land use were to ever occur, other than residential use, CDOT would close the historic access and only allow the western access point to remain. In issuing the access permit, CDOT has determined that the intersection of the access road and Highway 6 has adequate site distances and is a safe intersection. L A

A Declaration of Private Roadway Easement and Maintenance Obligations is included in this application. The Declaration spells out the use and the responsibilities of each lot owner in terms of maintenance of the access road. The road will be built to Garfield County standards for a Rural road classification.

## **Request to Allow a Dead End Street to Exceed 600 Feet in Length**

The Old Orchard access road is approximately 800 feet in length and terminates with a cul-de-sac that meets the 45 foot radius requirement. The length of the west access road exceeds the 600 foot length regulation for a dead end street. The lots accessing the road, with the exception of Lot 3, are located in open, irrigated pasture area. Lot 4 is partially surrounded by apple trees but is irrigated. Mitigation measures have been taken to offset the excess in road length. All new residential structures will be equipped with an automated fire suppression system with in-house water storage. A emergency services bump-out in the access road has been created thus reducing traffic congestion conflicts with emergency service vehicles. Residences are located adequate distances from native vegetation. In addition, the road surface is an all weather surface and with a maximum road gradient of 7%.

Because of the mitigation measures proposed, we request that the Board of County Commissioners approve a dead end street that exceeds the 600 foot maximum length.

## Traffic

The Level 1 Traffic Assessment, prepared by SGM, Inc., indicates that trip generation for the western access, serving Lots 2,3 and 4 will generate approximately 57 trips on an average weekday with 4-5 trips in the AM peak hour and 6 trips in the PM peak hour on an average weekday. Trip generation, at this access, is not expected to exceed 6 vehicle trips per hour. The traffic generation includes the 3 primary residences and the 3 ADU's for a total of 6 units.

Using the same criteria, trip generation for the eastern access will generate approximately 19 trips on an average weekday with 1-2 trips in the AM peak hour and 2 trips in the PM peak hour on an average weekday. Trip generation, at this access, is not expected to exceed 2 vehicles per hour. The traffic generation includes the 1 primary residence and the 1 ADU for a total of 2 units.

## Potable Water Supply

The potable water supply for the residential lots will be from 2 existing wells on the property. The Bowles Well will serve the existing residence on Lot 1. Bowles Well No. 2 will serve Lots 2,3 and 4 plus accessory dwelling units and an accessory dwelling unit on Lot 1.

Water rights were decreed for the parcel in Case No. W-1358 and 97CW162. The water rights were decreed for the entire 60 acre parcel know as the Gabossi/Wagner Subdivision Exemption. The subject parcel is one of 4 lots created by this exemption. The water rights were divided between Gabossi and Wagner. The applicant owns one-half interest in the plan for augmentation decreed in Case No. 97CW162. This equates to in-house water use for up to 15 single family unites through the Bowles Well Nos. 1-3.

There are two existing wells on the Gabossi property including the Bowles Well ( Permit No. 52966) and the Bowles Well No.2 ( Permit No. 56101-F). The Bowles Well is located on Lot 1 and Bowles Well No. 2 is located on Lot 3 of the proposed Old Orchard Subdivision. Bowles Well No. 2 is permitted to serve up to 7 dwelling units.

The total water demand for the Old Orchard Subdivision is estimated at 3.14 acre feet per year. The total depletion to the stream system is estimated to be 0.47 acre feet per year.

A 24 hour pump test was performed on the Bowles Well, by Resource Engineering, Inc., in July 2009. Pump test results indicate that the well pumped at a rate of 8.7 GPM. The estimated daily demand for this well is approximately 0.25 to 0.5 GPM to serve the existing residence.

A 24 hour pump test was performed on Bowles Well No. 2 by Resource Engineering, Inc. in January 2010. Pump test results indicate that the well pumped at a rate of 15 GPM. The estimated daily demand for this well is approximately 2 GPM to serve a total of 7 residences on Lots 2,3 and 4 including 3 primary residences, 3 accessory dwelling units plus an accessory dwelling unit on Lot 1.

Water quality tests were performed for Bowles Well and Bowles Well No. 2 by ACZ Laboratories. Based on the water quality testing, all the parameters measured were below the levels set for the Primary and Secondary Drinking Water Standards. Bowles Well indicated a hardness to the water. Water softening is recommended for this well. Bowles No. 2 Well indicate a hardness to the water as well as a high sodium concentration. Water softening and a reverse osmosis system is recommend for each residential unit on Lots 2,3 and 4 plus the ADU for Lot 1.

Irrigation water rights on the Williams Ditch are appurtenant to the property and these rights will continue to be used for outside irrigation by the individual lot owners. The applicant is entitled to 5 and 8 tenths shares of Williams Canal irrigation water. The shares will be conveyed to the Old Orchard Subdivision Homeowners Association in turn will govern the joint use of the irrigation water by the owners of the individual lots. A Declaration of Irrigation Water use and Maintenance is included in this application.

A water rights and water supply report, prepared by Resource Engineering, Inc., is included in this application.

A Declaration of Water Well Use and Maintenance is included in the application. The Declaration spells out the terms of well sharing between Lots 2,3 and 4.

### **Sewage Disposal**

Sewage disposal will be from Individual Sewage Disposal Systems (ISDS). Lot 1 has an existing ISDS system in place.

In September 2009, H-P Geotech, Inc. performed percolation tests on Lots 2,3 and 4. The test results indicated that the tested areas are suitable for an on-site waste disposal system. Their report is included in the application.

As required, individual sewage disposal systems (ISDS) will be designed by a professional engineer licensed to practice in the State of Colorado.

### **Geologic Assessment**

The site geology is discussed in detail in a report prepared by H-P Geotech, Inc. The Preliminary Geologic Site Assessment report is included in the application. Further review, of this report, was provided by the Colorado Geological Survey (CGS) in a report dated August 17, 2009. Further review and response to the Colorado Geological Survey

report was provided by H-P Geotech, Inc, dated January 8, 2010. In addition, a Drainage Report, prepared by SGM, Inc., further discusses drainage issues and mitigation measures. The aforementioned reports are included in this application.

The primary geologic hazards issues raised, in these reports, include potential debris flows, collapsible soils and moderate earthquake potential.

The subdivision could be subject to debris flow and sheet wash flow originating from drainage basins north of the project site. While all lots are subject to potential flows, the greatest risk is on Lot 1. A wildfire that occurred north of the project site in 2007 damaged existing vegetation in the drainage basins. Shortly after the fire, an intense rainstorm triggered debris flows that brought mud and debris down the drainage basin on the eastern portion of the property. While there was some impact to a storage structure on the eastern portion of the property, the existing residential dwelling unit on Lot 1 was not impacted. The dwelling unit is located approximately west of the drainage channel. The unit is uphill from the drainage channel in an area of reduced risk. The dwelling unit on Lot 1 was constructed in 1899 and no apparent damage has occurred to the structure from any debris flow event.

In response to the 2007 event, the owner constructed a 2-3 foot earthen berm on the western edge of the drainage channel to further protect the existing structures on Lot 1.

At this time, additional residential development is not anticipated on Lot 1. If in the future, the owner wishes to pursue additional residential development, it our opinion that instead of establishing a building envelope or establishing no-build zones, as CGS recommends, that additional debris flow studies and evaluation shall be conducted at the time of building permit. Future building sites are not known at this time and mitigation evaluation and design options will depend on the type and location of future development.

The risk for debris flow impacting Lots 2,3 and 4 is low. Existing irrigation ditches north of the lots intercept the existing drainage basins to the north. A drainage channel, located on the western boundary of the property, carries irrigation water and other drainage toward Highway 6. Lots 2,3 and 4 are potentially impacted is this drainage channel is blocked or there is a breach of an uphill irrigation ditch. Construction of a 3 foot high earthen berm is recommended around the western side of the new residential unit on Lot 3. The proposed berm is shown on Sheet 3 of the access road engineering drawings prepared by SGM, Inc.

We recognize that collapsible soils exist on the property. A site specific soil analysis was conducted on Lot 3 for the existing ADU and site specific soil analysis will be required for engineered building foundations on Lots 2 and 4. As per Garfield County regulations, building foundations shall be designed by an engineer licensed to practice in the State of Colorado.

The private access road design has been engineered to account for the collapsible soils. The engineered road section is found on Sheet 2 of the drawings prepared by SGM, Inc. The road section has been designed per H-P Geotech, Inc. recommendations.

Although mentioned, the potential for earthquakes is moderated, consideration of seismic activity should be implemented in the structural design of the residential structures.

According to the findings found in the Preliminary Geologic Site Assessment report, prepared by HP Geotechnical, Inc. the natural radioactive exposure to the project site is typical to the area and no mitigation is necessary.

### **Fire Protection**

Upon consultation with the Glenwood Springs Rural Fire Protection District, all residential structures constructed in the Old Orchard Subdivision shall be equipped with an automatic fire suppression sprinkler system. The systems shall be designed to NFPA 13D or NFPA 13R standards. The system design standards are included in a Plat Note on the Preliminary Plat.

The proposed building envelopes, on Lots 2 and 4 are situated in existing pasture areas that are clear of any fire prone vegetation. The building envelope for Lot 3 is situated in a pasture area but some ornamental apple trees exist. No building is proposed on steep slopes where fire prone native vegetation exists. As a result of the location of these building envelopes, the risk of wildland fire is low. In addition, the residential structures will be sprinkled and be constructed with fire retardant building material.

### **Archeology**

Metcalf Archeological Consultants, Inc. ran a file search on protected or registered archeological, cultural, paleontological and historic sites located within the Old Orchard Subdivision. Their search results found that there are no aforementioned sites in the subdivision parcel. Their report is included in the application.

### **Wildlife**

The findings of the Wildlife Report, prepared by Beattie Wildlife Consulting, indicates that the Old Orchard Subdivision will have no measurable adverse impact on any wildlife population currently using the property nor will the subdivision result in a reduction in the range of any wildlife species nor will it directly result in classification of a wildlife species as threatened or endangered.

### **Flora**

As previously discussed in the existing conditions component of this text, the existing flora consist of grass pasture, apple orchards and native vegetation. The proposed development occurs in the open, grass pasture areas of the property. The native

vegetation occurs on the northern areas of Lots 2 and 3 and in the drainage basin north and east of Lot 1. The native vegetated areas will not be disturbed during development of the property.

Since site development will occur in the pasture areas of the property, the resulting long and short term effects on the flora will be minimal. These areas will continue to be irrigated so quick establishment of pasture grasses will be realized.

There are no sensitive or endangered plant species in the proposed area of development.

### **Weed Management**

There are no noxious weeds, listed on the Garfield County Noxious Weed list, on the property. If noxious weeds do occur, individual lot owners will be responsible for eradication on their property. Eradication of weeds, inside the 40 foot driveway easement, will be shared between all the lot owners in the Old Orchard Subdivision.

### **Reclamation and Erosion Control**

Disturbed areas along the entry road will be reseeded with a seed mix that matches the irrigated pasture grasses that are adjacent to the access road. Erosion control will be implemented during construction of the entry roadway. Silt fencing and erosion logs will be install on the west side of the entry drive as noted on Sheet 1 of the Drive Plan and Profile drawings as prepared by SGM, Inc.

The cost of the erosion control and revegetation work is itemized in the Cost Estimate, prepared by SGM, Inc.

### **Cost Estimate for Improvements**

The cost estimates for improvements to the access road, drainage improvements, signage, erosion control, revegetation, stormwater drainage mitigation and potable water service lines are included in the Cost Estimates prepared by SGM, Inc. There are 2 cost estimates. One of the costs estimates is tied to the CDOT Access Permit while the other includes areas beyond the entrance to the subdivision. Both estimates are included in the SIA title of this application.

### **Garfield County - Existing Zoning**

The Garfield County Zoning Map, 2008, identifies this property as being zoned Rural. Minimum lot size in the Rural zone district is 2 acres. Single unit dwellings are a permitted use and accessory dwelling units are a permitted use subject to administrative review. Old Orchard Subdivision is in compliance with Garfield County zoning regarding uses, lot size and setbacks.

## **Garfield County Comprehensive Plan- Existing Land Use Designation**

The Garfield County Comprehensive Plan 2000 Land Use Map– Study Area 2, depicts this property as being situated in the Outlying Residential District. The density, associated with this land use designation, is 2 acres per dwelling unit ( 2 Acres/DU). Old Orchard Subdivision is in compliance with Garfield County land use density designation.

## **Town of New Castle Comprehensive Plan – Future Land Use Designation**

Per the Town of New Castle Comprehensive Plan, 2009, the Old Orchard Subdivision property is situated outside the Town of New Castle Urban Growth Boundary and a portion of the property is identified as being situated in the “Sphere of Influence”. The land use designation assigned to the property is Rural Low Density. The recommended density for this designation is 10 acres per dwelling unit (10 Acres/DU).

When we began the process of formulating the subdivision lot layout, the Town of New Castle Comprehensive Plan designated this property as Open Space Agricultural Residential with a density designation of 2 - 5 acres per dwelling unit (2 - 5 Acres/DU).

The new Town of New Castle Comprehensive Plan was adopted by the town in June 2009 but was not posted online until November 2009. The new plan suggests a density that represents a significant decrease in density from the previous Comprehensive Plan as well as a significant decrease in density from the Garfield County Comprehensive Plan. The owners were caught midstream with this change.

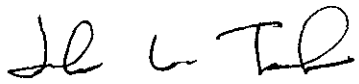
The proposed density is in compliance with the Garfield County Comprehensive Plan 2000 and the previous Town of New Castle Comprehensive Plan but is not in compliance with the 2009 Town of New Castle Comprehensive Plan.

The information contained in this application demonstrates that the Old Orchard Subdivision complies with the Garfield County Comprehensive Plan, Study Area 2. The subdivision provides a mix of housing types from single family residential including accessory dwelling units; preserves the agricultural integrity of the property by preserving the existing orchards; provides an adequate visual buffer from Highway 6; provides and adequate legal and physical water supply; protects wildlife habitat areas; preserves the existing natural vegetation; does not interfere or impact potential geologic hazard areas; generates minimal traffic impact; does not impact air quality and complies with Garfield County zoning and land use designations.

We look forward to presenting the Preliminary Plan/Final Plat to the Garfield County Planning Commission in the very near future.

If you have questions or need additional information, please do not hesitate to contact my office.

Sincerely,

A handwritten signature in black ink, appearing to read "JL L. TQ". The letters are stylized and connected, with a prominent loop at the end.

John L. Taufer, Owners Representative



**OLD ORCHARD SUBDIVISION**  
**Property Owners Within 200' of Property**

Parcel # 212335200059

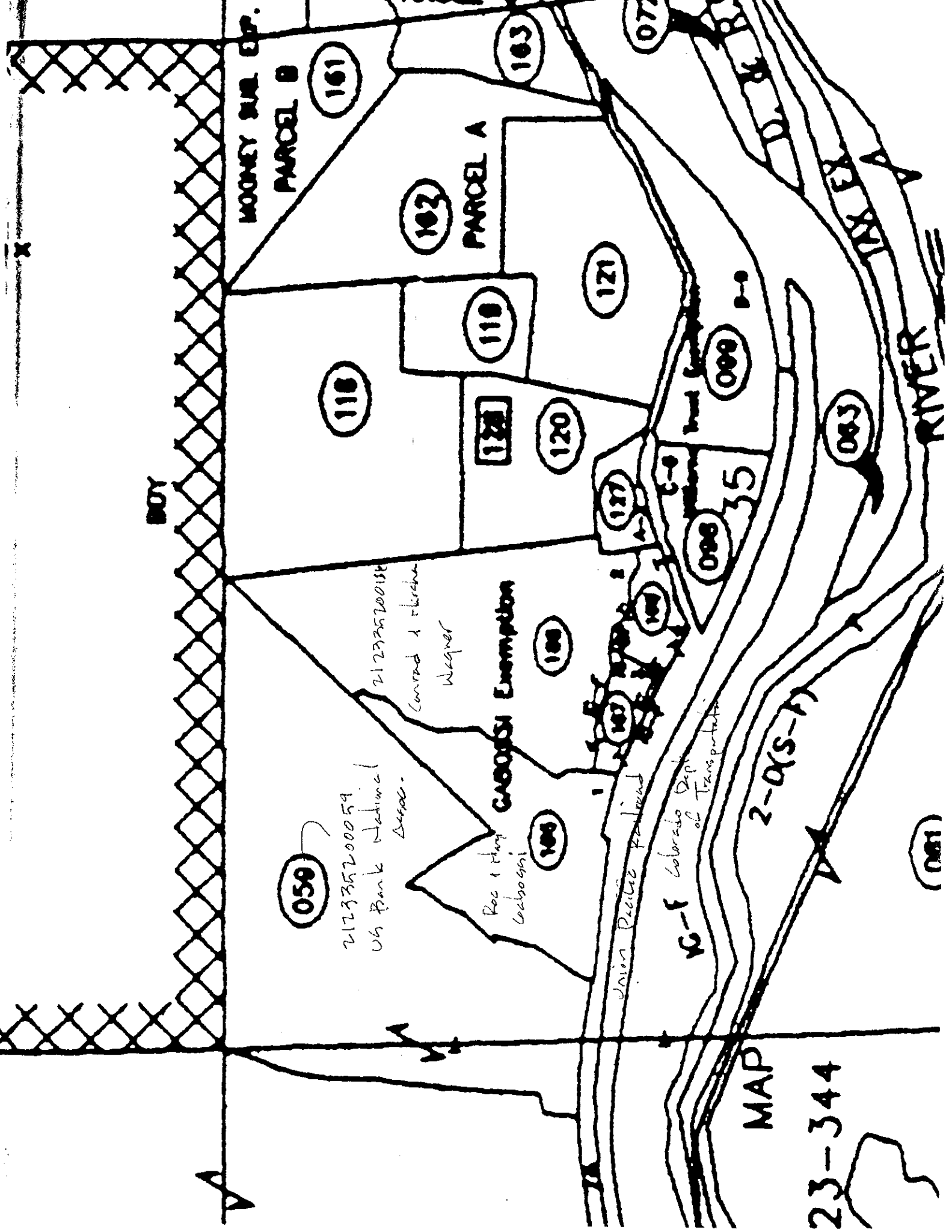
US Bank National Association  
Williams No. 2  
P.O. Box 64142  
ST. Paul, MN 55164-9366

Parcel # 212335200186

Conrad L. and Marsha L. Wagner  
0024 County Road 138  
Glenwood Springs, CO 81601

Colorado Dept. of Transportation  
4201 E. Arkansas  
Denver, CO 80222

Union Pacific Railroad  
1700 Farnum St. WT. 10 S  
Omaha, NE 68102



MOONEY SUB. EXP.

PARCEL B

PARCEL A

MOY

MAP

23-344

059

212335200059  
US Bank National Assoc.

212335200158  
Conrad & Elsie Wagner

100

Doc & Mary Cooborn

CACONISH EXEMPTION

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RIVER

EXEMPTION

2-0(S-F)

16-F Colorado Dept. of Transportation

Union Pacific Railroad

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**From:** [John L. Taufer](#)  
**To:** [Molly Orkild-Larson](#)  
**Cc:** [rocky@pitkiniron.com](mailto:rocky@pitkiniron.com)  
**Subject:** Old Orchard Subdivision - Mineral Rights Owners  
**Date:** Wednesday, June 09, 2010 3:20:45 PM

---

Molly,

There are no mineral rights owners on the Old Orchard Subdivision property, owned by Roc and Mary Gabossi. This opinion is based on review of the Title Commitment and research performed at the Garfield County Assessor's office, June 9, 2010.

Thank you,  
John Taufer, Owners Representative



**PRELIMINARY GEOLOGIC SITE ASSESSMENT  
PROPOSED OLD ORCHARD SUBDIVISION  
44523 HIGHWAY 6,  
GARFIELD COUNTY, COLORADO**

**JOB NO. 109 111B**

**MAY 29, 2009**

**PREPARED FOR:**

**ROCKY GABOSI  
44523 HIGHWAY 6  
GLENWOOD SPRINGS, COLORADO 81601**

## TABLE OF CONTENTS

PURPOSE AND SCOPE OF STUDY .....	- 1 -
PROPOSED DEVELOPMENT .....	- 1 -
SITE CONDITIONS.....	- 2 -
TRIBUTARY DRAINAGE BASINS .....	- 2 -
REGIONAL GEOLOGIC SETTING.....	- 3 -
CARBONDALE COLLAPSE CENTER.....	- 3 -
GEOLOGICALLY YOUNG FAULTS AND EARTHQUAKES .....	- 4 -
PROJECT AREA GEOLOGY .....	- 4 -
FORMATION ROCK.....	- 5 -
SURFICIAL SOIL DEPOSITS.....	- 5 -
Manplaced Fill (af).....	- 6 -
Alluvial Fan Deposits (Qf-Qd3).....	- 6 -
Debris Flow Deposits (Qd1, Qd2, Qd3).....	- 7 -
Loess (Qlo).....	- 7 -
Terrace Deposits (Qt).....	- 7 -
GEOLOGIC SITE ASSESSMENT .....	- 8 -
DEBRIS FLOWS.....	- 8 -
HISTORIC SEISMICITY .....	- 9 -
RADIATION POTENTIAL.....	- 10 -
LIMITATIONS .....	- 11 -
REFERENCES .....	- 12 -
FIGURE 1 – PROJECT SITE LOCATION AND TRIBUTARY DRAINAGE BASINS	
FIGURE 2 – PROJECT REGION GEOLOGY MAP	
FIGURE 3 – PROJECT AREA GEOLOGY MAP	
FIGURE 4 – GEOLOGICALLY YOUNG FAULTS AND LARGER HISTORIC EARTHQUAKES	
FIGURE 5 – WESTERN COLORADO EVAPORITE REGION	

## PURPOSE AND SCOPE OF STUDY

This report presents the findings of a geologic site assessment for the proposed Old Orchard Subdivision located at 44523 Highway 6, Garfield County, Colorado. The project site is shown on Figure 1. The study was conducted to evaluate the geology in the project area and assess if there are geologic conditions that could be potentially hazardous or could present major constraints to the proposed subdivision. The study was conducted in accordance with our proposal for geological engineering services to Rocky Gobossi, dated April 28, 2009.

A field reconnaissance of the project area was performed on May 5, 2009 to observe the geologic conditions. In a separate study, a pit was dug in the north end of Lot 3 of the proposed subdivision for a foundation study (Hepworth-Pawlak Geotechnical, 2009). In addition to our field reconnaissance, our geologic assessment included review of published regional geological reports and aerial photograph interpretations. Based on this information, an assessment of the potential influence of the geology on the proposed development was made. This report summarizes the information evaluated and presents our findings.

## PROPOSED DEVELOPMENT

The proposed development will consist of a 4 lot subdivision as shown on Figures 1 and 3. Lot 1 contains existing residence and storage structures and a pond located in the southwest corner of the lot. Buildings are accessed by a private drive in the southeast corner of the project site. New development will consist of three lots (Lots 2, 3, and 4) for single family homes accessed by a private driveway from the southwest corner of the property. The existing irrigated orchard located in a south-central part of the property is to remain. The total project area is about 20 acres. We assume the new residences to typically have light foundation loads and to be one or two story structures with a crawl space or basement. The development will be serviced with individual wells and septic

disposal systems. It is assumed that irrigation ditches for surrounding pastureland and the orchard will remain active.

If development plans change significantly from those described, we should be notified to re-evaluate the recommendations presented in this report.

### **SITE CONDITIONS**

The proposed subdivision is located in part of Section 35, T5S, R90W. The project site is located about one mile west of Canyon Creek, 3½ miles east of New Castle and north of the Colorado River and Interstate 70, see Figure 1. The site is bounded by moderate to steep hillsides to the north and east, pastureland to the west, and Highway 6 & 24 to the south.

The general topography in the project area is shown by the contour lines on Figures 1 and 3. Elevation at the project site ranges from about 5,630 to 5,690 feet. The site is located on the eastern flank of a broad alluvial fan which coalesces with a smaller fan to the east. The eastern fan is currently down cut by active stream erosion from about 2 to 4 feet in the central and northern portions to up to 18 feet to the south where the stream channel is diverted beneath existing roadways. The western boundary of the project site is marked by a stream which has down cut 2 to 4 feet into the eastern flank of the broad alluvial fan. Slopes in the project area are 5 to 10 percent down to the south and southwest. North of the project site moderate slopes abruptly transition to a steep hillside with slopes in the range of 30 to 45 percent, and closer to 60 percent east of the site. Vegetation consists mainly of grass and fruit trees in the project site that are flood irrigated. The proposed development area is currently used as pastureland for horses with some fruit trees to the north. Roadways south of the project site are built up with between 4 to 12 feet of fill and contain culverts to direct surface water south to the Colorado River.

### **TRIBUTARY DRAINAGE BASINS**

Several drainage basins are tributary to the project area and are shown on Figure 1. Basin 2 is the largest covering about 257 acres and heads at an elevation of around 7,100 feet.

This basin drains in a channel along the eastern boundary of the project site. Some of the area within these basins was subject to ~~severe fire damage in 2007~~. Over 1,200 acres of destroyed vegetation ~~resulted in several mudslides and debris flows after heavy spring rainstorms~~. One such flow from Basin 2 ~~brought mud and debris down the drainage along the eastern project site boundary affecting storage buildings, clogging culverts and filling the southern drainage and inundating the pond with mud~~. ~~Debris also overtopped irrigation ditches located upstream in Basin 2~~. There is no evidence of the overtopping of irrigation ditches in any of the drainages to the west. Two main irrigation ditches are located in the project area and intercept the existing drainage basins as shown in Figure 3. Irrigation ditches currently bring water to the orchard and pastureland on site and to irrigated lands to the west.

## REGIONAL GEOLOGIC SETTING

The project site is located on the Grand Hogback monocline which is the transitional geologic structure between the Southern Rocky Mountains and the Colorado Plateau, see Figures 2 and 4. In this area, the Grand Hogback also forms the southwestern boundary of the Carbondale evaporite collapse center. The Carbondale collapse center is the western of two regional evaporite collapse centers in western Colorado, see Figure 5. It is an irregular-shaped, northwest trending region between the White River uplift and Piceance basin, see Figure 2.

### CARBONDALE COLLAPSE CENTER

The Carbondale evaporite collapse center covers about 460 square miles. As much as 4,000 feet of regional subsidence is believed to have occurred during the past 10 million years in the vicinity of Carbondale as a result of dissolution and flowage of evaporite from beneath the region (Kirkham and Scott, 2002). The evaporite is mostly in the Eagle Valley Evaporite with some in the Eagle Valley Formation. Diapiric evaporite exposures north of the project area (Figure 2) contain massive and contorted, thinly layered light gray gypsum and anhydrite with some discontinuous lenses of massive gray limestone. It is estimated that Pliocene flow and dissolution of underlying evaporite northward and



upward caused rapid subsidence of the Maroon Formation as evidenced by irregular, discontinuous anticlines and synclines, steeply dipping faults, and varying dip angles within the strata (Scott and Others, 2002). Much of the evaporite related subsidence in the Carbondale collapse center appears to have occurred within the past 3 million years which also corresponds to high incision rates along the Roaring Fork, Colorado and Eagle Rivers (Kunk and Others, 2002). This indicates that long-term subsidence rates have been very slow, between about 0.5 and 1.6 inches per 100 years. Studies of mean annual dissolved-solids in Canyon Creek suggest dissolution of evaporite along the southwest flank of the White River uplift is still active (Scott and Others, 2002). **If still active, these regional deformations because of their very slow rates, should not have a significant impact on the proposed Old Orchard Subdivision.**

#### GEOLOGICALLY YOUNG FAULTS AND EARTHQUAKES

Geologically young faults related to evaporite tectonics are present in the Carbondale collapse center but considering the nature of evaporite tectonics, these faults are not considered capable of generating large earthquakes. The closest geologically young faults that are less than about 15,000 years old and considered capable of generating large earthquakes are located in the Rio Grande rift to the east of the project site, see Figure 4. From the project site the northern section of the Williams Fork Mountains fault zone Q50 is located about 61 miles to the northeast and the southern section of the Sawatch fault zone Q56b is located about 81 miles to the southeast. **At these distances large earthquakes on these two geologically young fault zones should not produce strong ground shaking at the project site that is greater than the ground shaking shown on the U. S. Geological Survey 2002 National Seismic Hazards Maps (Frankel and Others, 2002).**

#### PROJECT AREA GEOLOGY

The geology in the project area is shown on Figure 3. This map is based on our field observations and is a modification of the regional geology map by Bryant and Others (2002). The main geologic features in the project area are discussed below.

## FORMATION ROCK

Near surface formation rock in the area is the lower Permian- and Pennsylvanian-age main body of the Maroon Formation (PPm), moderate to shallow dipping, blocky red sandstone. This is underlain by the Eagle Valley Formation and Eagle Valley Evaporite (Pze), which at the project site are at depths greater than about 4,000 feet (Bryant and Others 2002). In the project area these formations are within the limb of the Grand Hogback monocline. The regional bedding is variable but bedding near the project site generally strikes to the northwest and dips to the southwest, see Figure 3. These rocks were deposited in the central Colorado trough during and at the end of the Ancestral Rocky Mountain orogeny about 300 million years ago. The Eagle Valley Formation is a transitional unit between the thick evaporite in the underlying Eagle Valley Evaporite and the non-evaporitic sedimentary rocks in the overlying Maroon Formation. Sinkhole potential occurs where underlying evaporite is shallow. At the project site, depths are estimated at 4,000 feet or greater thus the potential of a sinkhole occurring on the project site is very low.

## SURFICIAL SOIL DEPOSITS

The surficial soil deposits in the project area are largely the result of cyclic erosion and deposition associated with young alluvial fan deposits (Qf-Qd3) derived from basins to the north (Figure 1) and deposition of river terrace and old fan deposits (Qt) associated with glacial and interglacial periods during the middle Pleistocene-age Bull Lake and Pre-Bull Lake glaciations over 140 thousand years ago. A layer of loess (Qlo) of late or middle Pleistocene-age covers the river terrace and old fan deposits in some areas. In some of the basins, stream channel alluvium (Qa) is intercepted and diverted by man made channels (af) used for irrigation. Irrigation channels in drainage basin 2 (Figure 1) have been overtopped by debris flow deposits (Qd1) occurring shortly after the New Castle fire of 2007. Older recent debris flow deposits (Qd2) occur at the mouth of other drainages to the northwest. Other relatively large areas of disturbed ground (af) south of the project site are related to freeway, road and railway construction.

### **Manplaced Fill (af)**

Man placed fill (af) is present north and south of the project site. Southern areas of fill are for Highway 6, railways and Interstate 70. Culverts at varying stations along the roadways direct water below the roadways to the Colorado River. The largest culvert, in the southeast corner of the project site, is a square concrete box 6 feet by 5 feet beneath Highway 6 with smaller culverts beneath the railway and Interstate 70 to the south. Two main irrigation ditches have been constructed north of the project site as shown in Figure 3. A smaller tributary ditch directs a portion of water from the lower ditch to the project site. The upper ditch averages about 3 to 5 feet wide and 2 to 3 feet deep. The lower ditch averages about 5 to 7 feet wide and 3 to 5 feet deep. The ditches are in good condition north of the project site with some repairs made to the lower ditch within Basin 2 associated with water overtopping embankment walls and debris material clogging the start of the ditch at its eastern end. The upper ditch is open and the lower ditch crosses the mouth of Basins 3 and 4 by buried culverts.

*Ditches*

### **Alluvial Fan Deposits (Qf-Qd3)**

Young alluvial fans (Qf and Qd3) are present in the project area at the base of steep hillsides northwest and northeast of the project site. Two deposits of the same fan complex are apparent in the area and are probably similar in age, about 15,000 years old or greater. Qd3 deposits are hummocky in appearance and contain boulders related to a high energy flow regime, probably debris flows and floods. These deposits are located northwest of the project site in a small basin area. Qf deposits cover most of the project area and contain finer grained material associated with a low energy sheet wash flow regime. An exploratory pit in Lot 3 of the proposed subdivision encountered relatively fine-grained silty sand material to the depth of the pit at about 12 feet (Hepworth-Pawlak Geotechnical, 2009). The depth and type of underlying deposits was not determined. These fans are geologically active and natural drainage patterns are currently intercepted by the irrigation ditches. The lower irrigation ditch has been repaired in drainage pathways to include culverts. This is evidence that erosion pathways are currently active.

### **Debris Flow Deposits (Qd1, Qd2, Qd3)**

The youngest debris flow deposits (Qd1) occurred shortly after the New Castle fire of 2007 and originated from Basin 2, see Figures 1 and 3. This drainage is active and could still be the site of infrequent debris flows and floods. Other debris flow deposits are present northwest of the project site and originate from basins 3, 4, 5, 6, and 7. Qd2 deposits may be historic, occurring within the last 150 years, and originate from basins 3, 4, and 5. Deposits originating from basins 3 and 4 are currently being eroded by ephemeral streams (Qa). These streams pass through marsh areas (Qa) and have some areas of 1 to 2 feet of down cutting. The second deposits located to the northwest have material originating from basins 5 and 6. Deposits here are cut by active stream erosion (Qa) on the order of 5 to 9 feet. The oldest debris flow deposits (Qd3) are included in alluvial fan terrain and have age estimates of about 15,000 years. Deposits Qf, Qd1, Qd2, and Qd3 are geologically young and may be susceptible to future flow typical of their depositional energy environments. **Debris flow potential will be further discussed in the *Debris Flow* section of the Geologic Site Assessment of this report.**

### **Loess (Qlo)**

A layer of loess (Qlo) overlies the terrace and old fan deposits (Qt). The loess was deposited following the middle Pleistocene-age Bull Lake glaciations and is probably of late Pleistocene-age.

### **Terrace Deposits (Qt)**

High level river terraces north and east of the project site contain clean sandy gravel, cobbles and boulders. This alluvium is associated with the middle Pleistocene-age Bull Lake glaciations about 140 and 300 thousand years ago and older Pre-Bull Lake glaciations (Bryant and Others, 2002).

## GEOLOGIC SITE ASSESSMENT

There are several conditions of a geologic nature that should be considered as project planning and design proceeds. The most significant is the potential for debris flows, primarily in basin areas with substantial fire damage. Other geologic conditions consist of earthquake ground shaking and potentially collapsible soils. A subsoil study for foundation design was performed by Hepworth-Pawlak Geotechnical (2009) which indicated soils at Lot 3 to be moderately to highly compressible under conditions of loading and wetting. A geotechnical study should be performed by the individual owner when the building plans have been determined. The potential risks and possible mitigations to reduce the risks associated with debris flows and earthquakes are discussed below.

### DEBRIS FLOWS

The proposed subdivision could be subject to debris flow and sheet wash flow originating from drainage basin areas located to the northeast (Basins 1 and 2) and northwest (Basins 3, 4, 5, 6 and 7). Flows from Basins 2, 3, and 4 have the potential to impact the proposed subdivision with some risk to the buildings and their occupants. The basins northwest of the project area are currently intercepted by two irrigation ditches and the nature of probable future debris flows is uncertain but the risk of impact to the proposed subdivision appears to be low. Debris flows have occurred along the northeastern area of the project site with material originating from Basin 2. As previously discussed, this drainage basin had substantial vegetation damage due to a lightning induced fire in 2007. Subsequent debris flows triggered by unusually intense thunderstorm rainfall have overtopped the irrigation ditches, clogged culverts beneath roadways to the south, and overtopped the freeway with fine debris material. Remnants of the 2007 flows are mapped as Qd1 on Figure 3. Debris mud caked on trees in the northern portion of Lot 1 show a flow height of about 7 feet above the existing stream. Debris clogging apparently caused an area at the south end of Lot 1 to fill nearly 20 feet deep inundating the existing pond with mud. Smaller culverts beneath the railway and Interstate 70 were insufficient to pass debris causing finer material to spill over portions of Interstate 70. At the project

site, an existing structure in Lot 1 just west of the creek was impacted by the 2007 debris flow. In our opinion, there is still a risk of future debris flow from this drainage and mitigation to reduce these risks is warranted for Lot 1. Mitigation of the debris flow risk on Lot 1 could include berms or walls to deflect the flows away from existing structures. Existing structures on Lot 1 primarily at risk are mostly storage buildings. Residential buildings are located further to the west and uphill in an area of reduced risk.

★ mitigation

Deposits at and northwest part of the project site (Qf, Qd2, and Qd3) are geologically young and may produce debris or sheet wash flows that could reach the projects site.

However, historical evidence suggests the risk from flows northwest of the project site to be low. A breach of irrigation ditches from intense thunderstorms may also produce a

potential risk of flooding to structures below. If this risk is unacceptable for Lots 2, 3, and 4, mitigation structures such as berms or walls to divert possible flows from the northwest could be used. Flow and flood potential should be incorporated in the project storm water management plan performed by a civil engineer.

★ mitigation

## HISTORIC SEISMICITY

Historic earthquakes within 150 miles of the project site have typically been moderately strong with magnitudes of M 5.5 and less and maximum Modified Mercalli Intensities of VI and less, see Figure 4. The largest historic earthquake in the project region occurred in 1882. It was located in the northern Front Range about 121 miles to the northeast of the project site and had an estimated magnitude of about M 6.2 and a maximum intensity of VII. Historic ground shaking at the project site associated with the 1882 and the other larger historic earthquakes in the region does not appear to have exceeded Modified Mercalli Intensity VI (Kirkham and Rogers, 1985). Modified Mercalli Intensity VI ground shaking should be expected during a reasonable exposure time for the buildings, but the probability of stronger ground shaking is low. Intensity VI ground shaking is felt by most people and causes general alarm, but results in negligible damage to structures of good design and construction.

The houses and other facilities subject to earthquake damage should be designed to withstand moderately strong ground shaking with little or no damage and not to collapse under stronger ground shaking. For *firm rock sites* with shear wave velocities of 2,500 fps in the upper 100 feet, the U. S. Geological Survey 2002 National Seismic Hazard Maps indicate that a peak ground acceleration of 0.06g has a 10% exceedence probability for a 50 year exposure time and a peak ground acceleration of 0.23g has a 2% exceedence probability for a 50 year exposure time at the project site (Frankel and Others, 2002). This corresponds to a statistical recurrence time of about 500 years and 2,500 years, respectively. **The soil profiles at the building sites should be considered as Class D, stiff soil profile as described in the 2006 International Building Code unless site specific shear wave velocity studies show otherwise.**

### **RADIATION POTENTIAL**

Regional studies by the Colorado Geological Survey indicate that the closest radioactive mineral occurrence to the project site is located about 0.5 miles to the south (Nelson-Moore and Others, 1978). Radioactive mineral occurrences are also present in the Aspen-Lenado mining district to the northeast and on the southwest flank of the White River uplift to the northwest. **Based on our experience, the natural radioactive exposure to the project site is typical of the area and no mitigation is needed.** Regional studies by the U. S. Geological Survey (Dubiel, 1993) for the U. S. Environmental Protection Agency (EPA) indicate that the project site is in a moderate radon gas potential zone. The 1993 EPA regional radon study considered data from (1) indoor radon surveys, (2) aerial radioactivity surveys, (3) the general geology, (4) soil permeability estimates, and (5) regional architectural practices. It is not possible to accurately assess future radon concentrations in buildings before they are constructed. Accurate tests of radon concentrations can only be made when the buildings have been completed. Because of this, new buildings in moderate to high radon areas are often designed with provisions for ventilation of the lower enclosed areas should post construction testing show unacceptable radon concentrations.

## LIMITATIONS

This study was conducted according to generally accepted engineering geology principles and practices in this area, at this time. We make no warranty either express or implied. The conclusions and recommendations submitted in this report are based on our field observations, aerial photograph interpretations, interpretations of previous geologic studies and mapping, the exploratory pit located on Figure 3, and our experience in the area. This report has been prepared exclusively for our client to evaluate the potential influence of the geology on the proposed development. The information is suitable for planning and preliminary design. We are not responsible for technical interpretations by others of our information. Additional geotechnical studies will be needed to provide recommendations for geologic hazard mitigation, site grading, and foundation design.

Respectfully Submitted,

HEPWORTH - PAWLAK GEOTECHNICAL, INC.



Scott W. Richards, E.I.

Reviewed by:

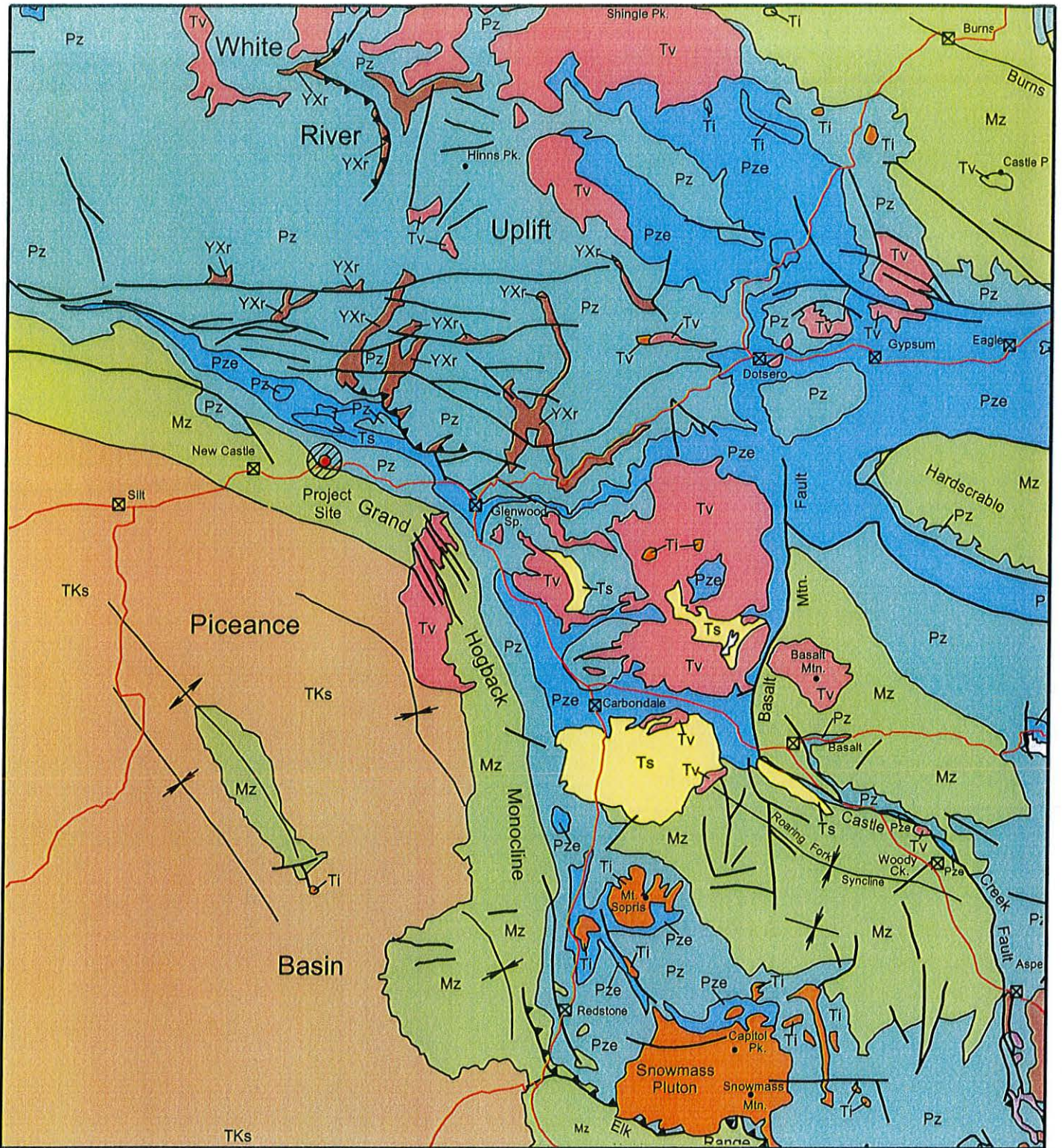
Steven L. Pawlak, P.E.

SWR/ksw

cc: John Taufer Associates – Attn: John Taufer

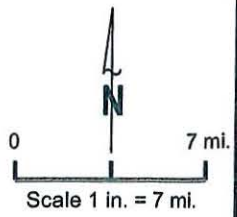






**Explanation:**

<span style="background-color: yellow; border: 1px solid black; padding: 2px;">Ts</span> <b>Post-Laramide Sediments</b>	<span style="background-color: lightgreen; border: 1px solid black; padding: 2px;">Mz</span> <b>Pre-Laramide Mesozoic Sediments</b>	<b>High-Angle Faults</b>
<span style="background-color: pink; border: 1px solid black; padding: 2px;">Tv</span> <b>Post-Laramide Volcanics</b>	<span style="background-color: lightblue; border: 1px solid black; padding: 2px;">Pz</span> <b>Paleozoic Sediments</b>	<b>Thrust Faults</b>
<span style="background-color: orange; border: 1px solid black; padding: 2px;">Ti</span> <b>Post-Laramide Intrusives</b>	<span style="background-color: lightblue; border: 1px solid black; padding: 2px;">Pze</span> <b>Pennsylvanian Evaporites</b>	<b>Synclines</b>
<span style="background-color: tan; border: 1px solid black; padding: 2px;">TKs</span> <b>Laramide Basin Sediments</b>	<span style="background-color: brown; border: 1px solid black; padding: 2px;">YXr</span> <b>Precambrian Crystalline Rocks</b>	<b>Anticlines</b>
<span style="background-color: purple; border: 1px solid black; padding: 2px;">TKI</span> <b>Laramide Intrusives</b>	<b>Contact</b>	<b>Highways</b>



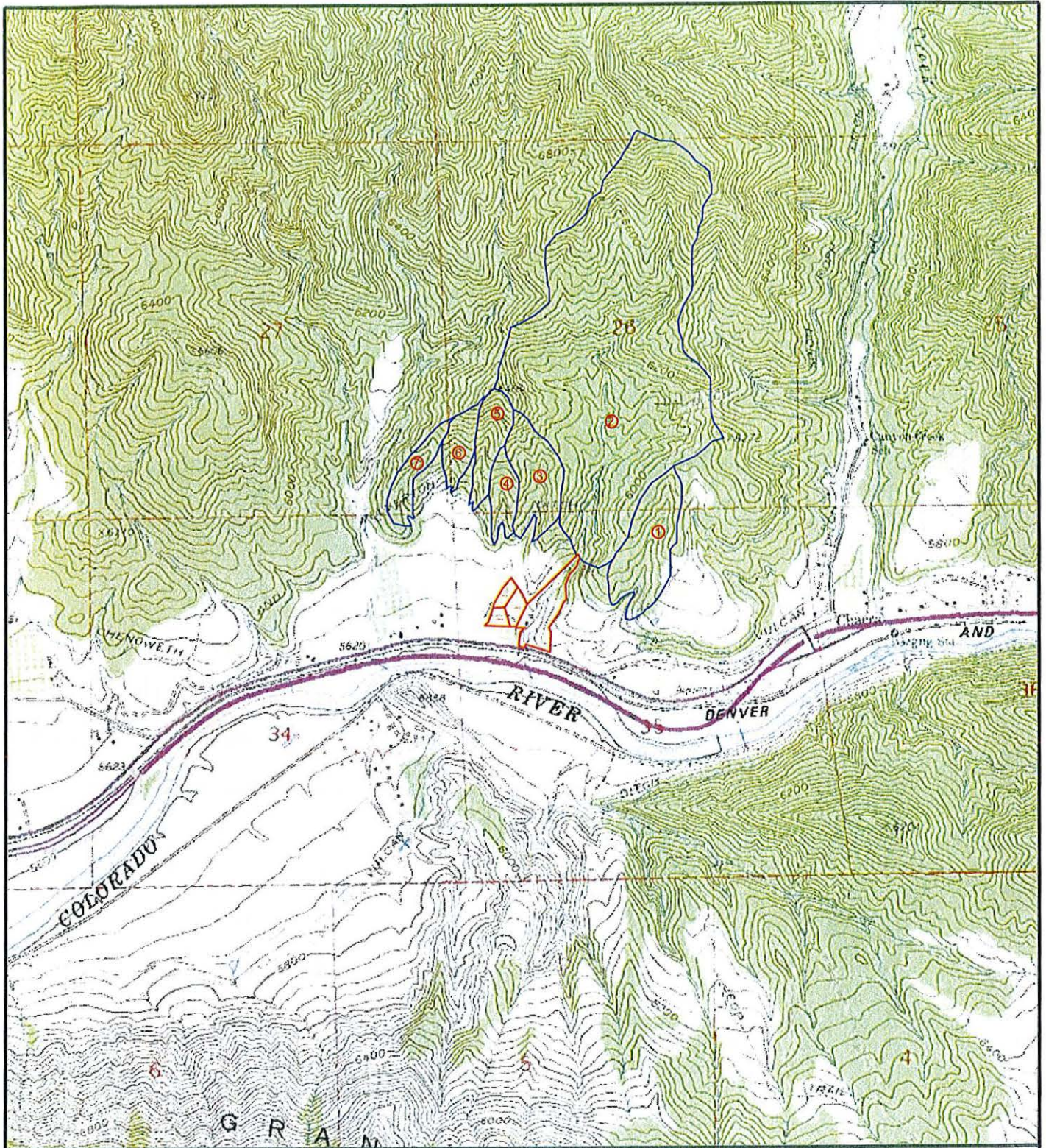
Modified from: Tweto (1979)

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Old Orchard Subdivision  
Project Region Geology Map

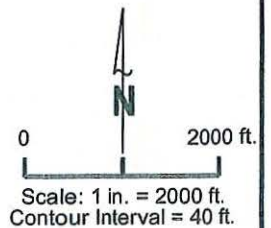
Figure 2

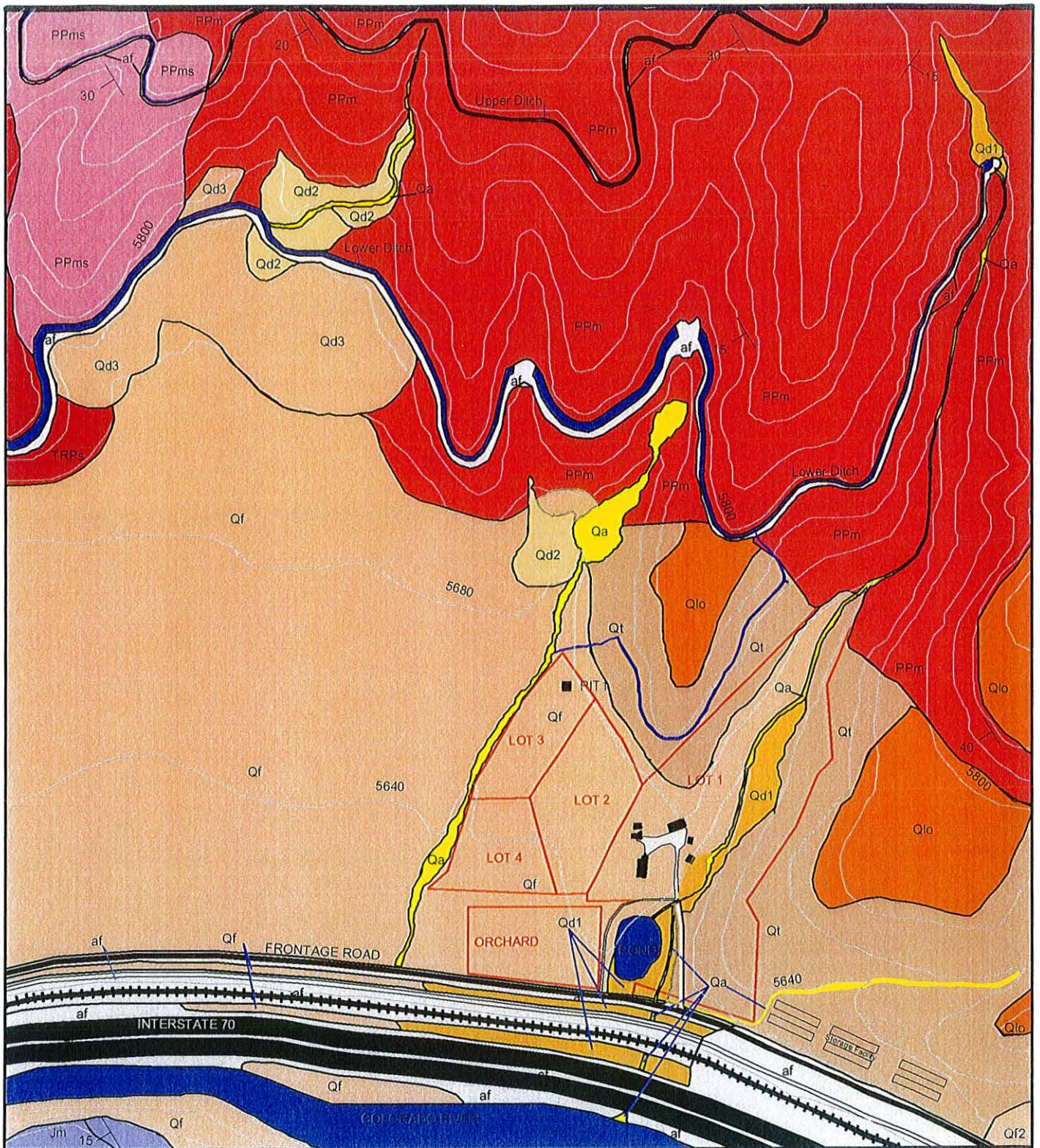


**Explanation:**

-  Project Site Boundary (Lot Boundaries)
-  Drainage Basin Boundaries
-  Basin Number

- Basin Areas:**
- Basin 1 - 29.6 ac.
  - Basin 2 - 256.6 ac.
  - Basin 3 - 21.6 ac.
  - Basin 4 - 9.2 ac.
  - Basin 5 - 13.3 ac.
  - Basin 6 - 9.5 ac.
  - Basin 7 - 10.4 ac.



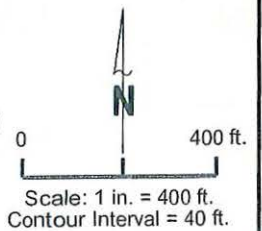


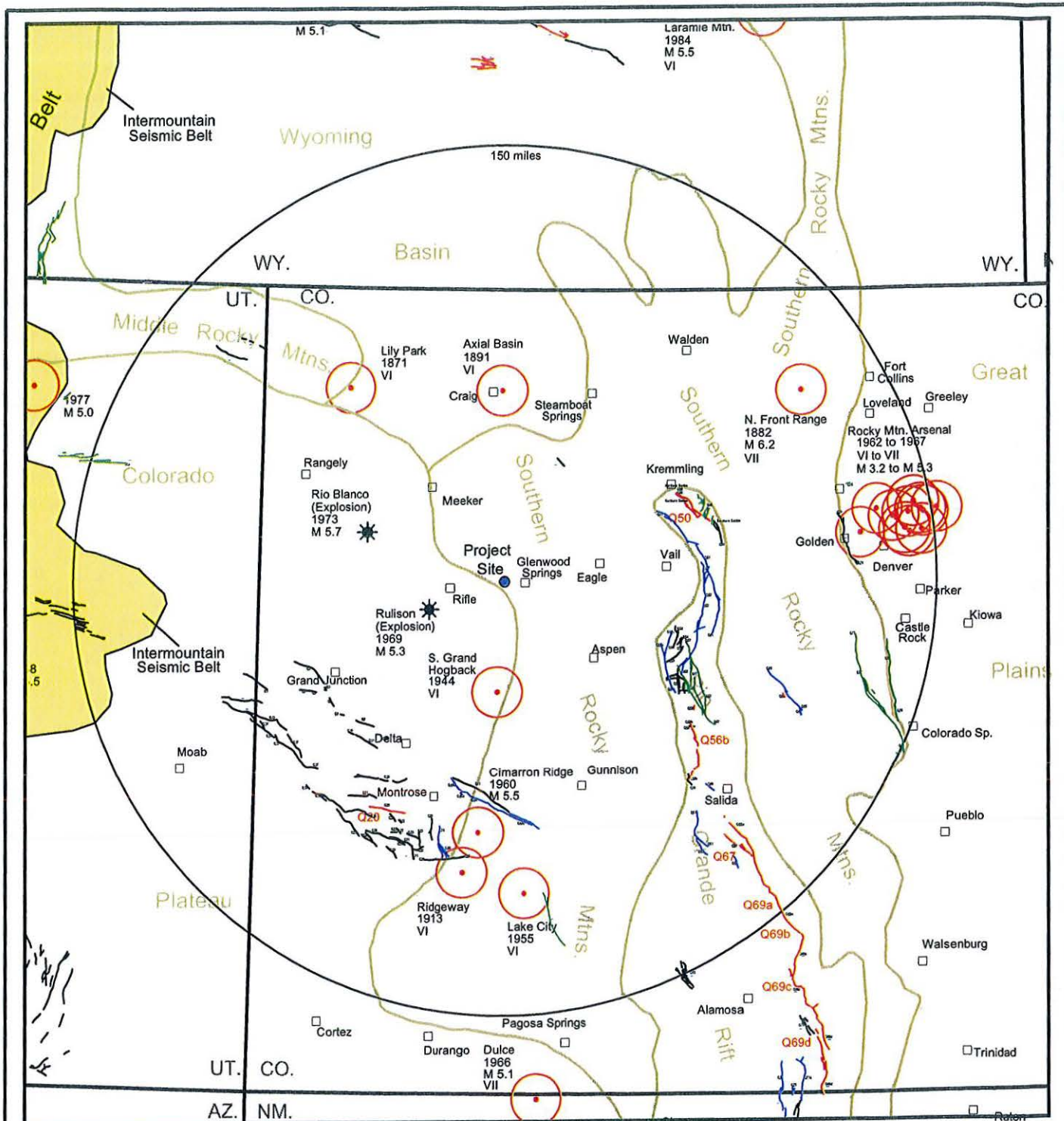
**Explanation:**

- af Man Placed Fill
- Qa Stream Channel Alluvium
- Qf-Qd3 Alluvial Fan Deposits
- Qd1 2007 Debris Flow
- Qd2 Older Recent Debris Flow
- Qlo Loess Deposits

- Qt Terrace and Old Fan Alluvium
- Jm Morrison Formation
- TRPs State Bridge Formation
- PPms Maroon Formation, Schoolhouse Member
- PPm Maroon Formation, Main Body
- Irrigation Pathways (ditch & canal)

- 30 Strike and Dip of Bedding in Degrees
- Exploratory Pit (H-P Geotech, 2009)





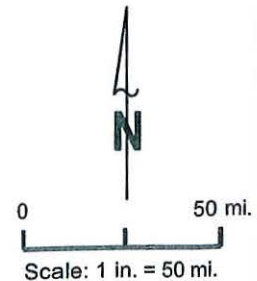
**Explanation:**

-  **Post-Glacial Faults:**  
Fault younger than about 15,000 years.
-  **Larger Historic Earthquakes:**  
Earthquakes with maximum intensity greater than VI or magnitude greater than M 5.0 from 1867 to present.
-  **Nuclear Explosion:**  
Large underground nuclear explosion for natural gas reservoir enhancement.

 **Historic Seismic Zones:**  
Areas with historically high seismic activity.

M Local, surface wave or body wave magnitude  
VI Modified Mercalli intensity

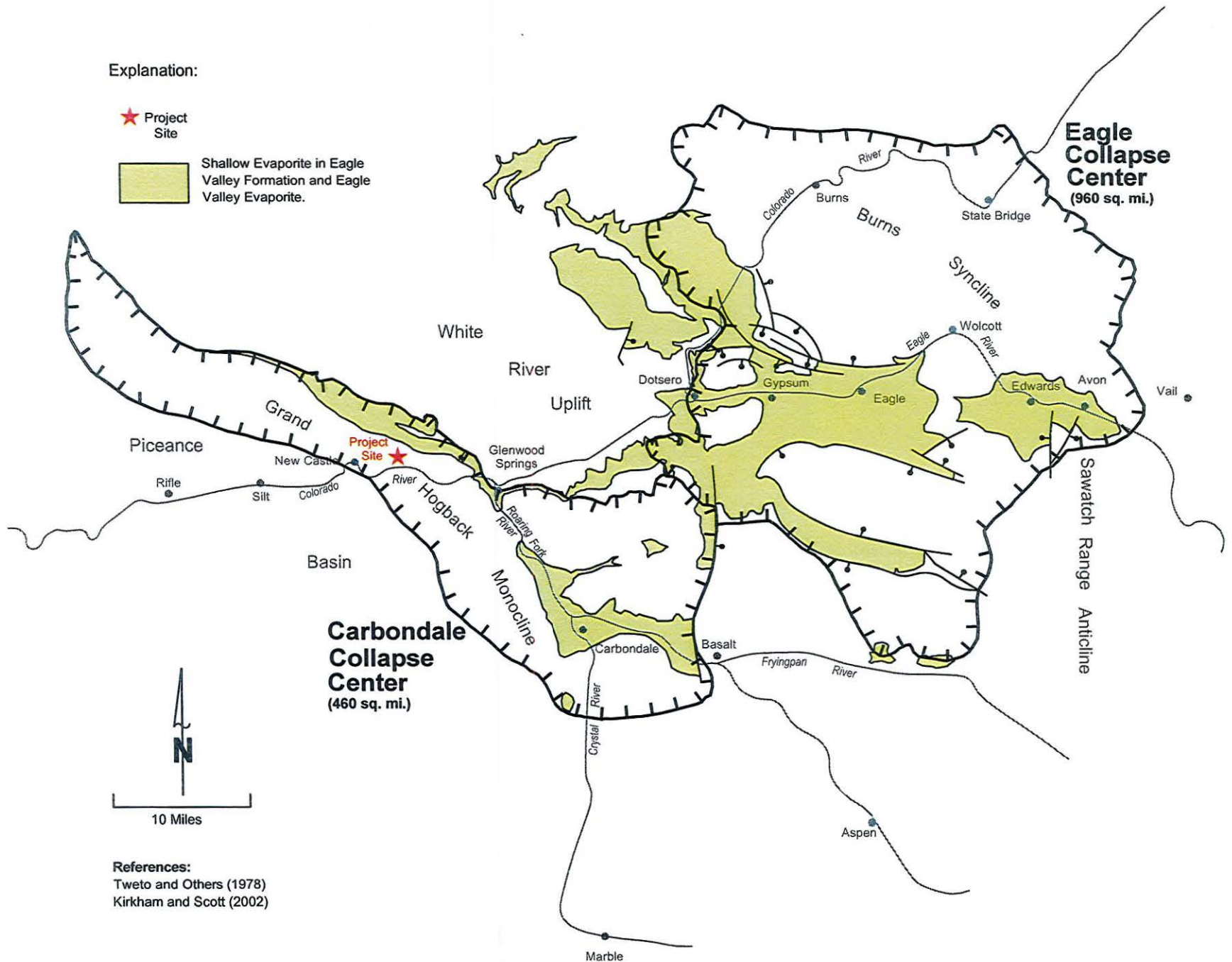
**References:**  
Widmann and Others (1998)  
U. S. Geological Survey Earthquake Catalogs



Explanation:



Shallow Evaporite in Eagle Valley Formation and Eagle Valley Evaporite.



References:

- Tweto and Others (1978)
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# STATE OF COLORADO

## COLORADO GEOLOGICAL SURVEY

Department of Natural Resources  
1313 Sherman Street, Room 715  
Denver, CO 80203  
Phone: (303) 866-2611  
Fax: (303) 866-2461

## COLORADO



## DEPARTMENT OF NATURAL RESOURCES

August 17, 2009

Mr. Frank Jarman  
Planning Director  
Garfield County Building and Planning  
108 8th Street Suite 401  
Glenwood Springs, Colorado 81601  
[fjarman@garfield-county.com](mailto:fjarman@garfield-county.com)

Bill Ritter  
Governor

Harris D. Sherman  
Executive Director

Vincent Matthews  
Division Director and  
State Geologist

### Re: Old Orchard Subdivision, Sketch Plan, CGS GA-10-0001\_1

Dear Mr. Jarman:

Thank you for the submittal of the above referenced proposal. The proposal is to divide about 20 acres into four lots, primarily for single-family residential, with lot sizes ranging from about 2 to 12 acres. The largest parcel, lot 1, is already developed with an existing house, cabins, barn, pond, and orchard. **The site is bounded by two drainages on the east and the west.**

The applicant's geologic hazard report, done by HP Geotech, adequately describes site conditions and I won't repeat this information. One item of note, not mentioned by HP Geotech, is that wildfire hazards above the eastern drainage are generally more severe than in the smaller basins above the western drainage.

As noted in the applicant's report, **the site is located on an alluvial fan and each of the lots is at risk to debris flows, mud flows, and alluvial fan flooding. Lot 1 is at greatest risk from continued debris flows.** Risks are greatest on the eastern section of the lot. It would be prudent to **prohibit the construction of occupied structures in this area and the county should consider establishing building envelopes or no-build areas for Lot 1.**

Mitigation will be needed to protect existing structures in Lot 1. Such mitigation appears to be feasible but was not provided with the sketch plan. **The mitigation will need to be planned carefully so that risks to adjacent property and public improvements are not increased.** The plans should be subject to approval by the county. Additional information on the degree and extent of hazards would also be required.

**The risks to other lots appear to be lower, the tributary basins are smaller, less steep, and have a lower wildfire risk.** In the future, if landslides, severe burn areas, or other significant land disturbances occur in the drainage basins above the lots, mitigation may be needed.

**The geologic hazard report references a foundation report but does not provide any geotechnical information on soils.** One hazard or soil constraint not mentioned by the applicant is **collapsible soil.** Structures build on **alluvial fans,** including those in Glenwood Springs, Meeker, Rangely, Gypsum, Edwards, and Basalt; have experienced damages due to soil collapse and settlement.

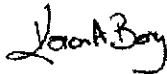
**A site-specific soils and foundation investigation should be done for each building prior to issuance of building permits.** In addition, if public roads are proposed, the county may wish to ensure that such roads are properly designed to mitigate any soil constraints.

Mr. Frank Garman  
Page 2  
August 17, 2009

In summary, the site contains severe geologic hazards that will require additional investigation and mitigation. Though mitigation is feasible, to the extent possible, development in the northern and eastern sections of Lot 1 should be avoided. Mitigation plans should be required for Lot 1 and subject to county review and approval.

Please contact me if you have any questions or concerns. I can be reached at 303.866.2018 or by email at [karen.berry@state.co.us](mailto:karen.berry@state.co.us).

Sincerely,



Karen A. Berry  
Geological Engineer, PG, AICP, CPESC-SWQ





January 8, 2010

Rocky Gabossi  
44523 US Highway 6  
Glenwood Springs, Colorado 81601

Job No. 109 111B

Subject: Response to CGS Letter dated August 17, 2009 and Additional  
Recommendations, Proposed Old Orchard Subdivision, 44523 US  
Highway 6, Garfield County, Colorado

Dear Mr. Gabossi:

As requested, the undersigned met with you, John Taufer and Dave Kotz, PE on January 7, 2010 to discuss the CGS findings and other project issues. We previously conducted a preliminary geologic site assessment for the subdivision development and presented our findings in a report dated May 29, 2009, Job No. 109 111B. Subsequently, we conducted percolation testing on proposed Lots 2 and 4 and presented our findings in a report dated August 31, 2009, Job No. 109 111B. We have also been provided a Preliminary Plan Drainage Report for the project by Schmueser Gordon Meyer (SGM) dated December 2009.

The main issues raised by the CGS consist of:

- 1) Potential debris flow impacts to Lot 1
- 2) Potential debris flow impacts to Lots 2, 3 and 4
- 3) Impacts of collapsible soils on buildings
- 4) Proper road design for soil conditions

The responses in order of the CGS are presented below.

**Potential debris flow impacts to Lot 1:** Lot 1 is occupied by the original property development. We understand that no new residential development is proposed on this lot. The existing residence is located in the higher, crest part of the alluvial fan and potential for debris flow impact appears remote. We concur with the CGS that future plans for development should be approved by the County including evaluation of potential debris flow impacts and the need for mitigation. In our opinion, the evaluation and mitigation design should be conducted at the time of building permit rather than setting a building envelope at this time since future building sites, if any, are not known at this time and mitigation evaluation and design options will depend on the type and location of future proposed development. We indicated on page 8 of our May 29, 2009 report that the debris flow in the pond was up to nearly 20 feet deep. This is more like the elevation difference across the pond construction area and the debris flow depth resulting from the 2007 event

Rocky Gabossi  
January 8, 2010  
Page 2

is much less. Likewise, the 7 foot mud line noted on the trees in the northern part of Lot 1 was in the narrow drainage area well away from existing structures.

**Potential debris flow impacts to Lots 2, 3 and 4:** Lots 2, 3 and 4 are potentially impacted if the drainage along the west property line is blocked. The drainage report by SGM recommends protection by constructing a low berm roughly along the property line where needed to keep potential flows in the existing drainage channel. We concur with their recommendation.

**Impacts of collapsible soils on buildings:** We concur with the CGS that there could be collapsible soils on the property. We pointed this out in our previous report on page 8 and referenced our previous subsoil study report performed for foundation design of a residence on Lot 3, Job No. 109 111A dated May 18, 2009. We understand that the subdivision approval will also specify engineered foundations for building permit on all of the lots that will require a site specific soils report for the foundation design.

**Proper road design for soil conditions:** A private gravel road is proposed to access Lots 2, 3 and 4. The soils encountered on Lots 2, 3 and 4 are mainly fine-grained with relatively low support value. A gravel road section shown on preliminary plan drawings by SGM detail 6 inches of CDOT Class 6 aggregate base course on Mirafi 500X fabric placed on the native soils. We recommend a 12-inch thick granular subbase such CDOT Class 2 aggregate base course also be provided. If a biaxial geogrid such as Tensar BX1100 is used on the native subgrade, the Class 2 subbase can be reduced by about 3 inches.

If you have any questions or need further assistance, please call our office.

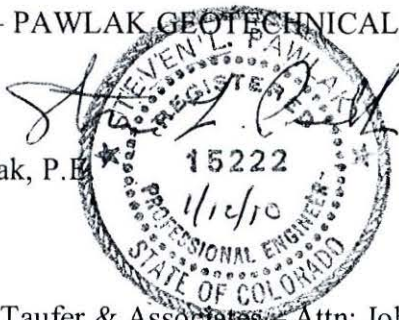
Sincerely,

HEPWORTH – PAWLAK GEOTECHNICAL, INC.

Steven L. Pawlak, P.E.

SLP/ksw

cc: John L. Taufer & Associates – Attn: John Taufer  
Schmueser Gordon Meyer – Attn: Dave Kotz, PE





August 31, 2009

Rocky Gobossi  
44523 U.S. Highway 6  
Glenwood Springs, Colorado 81601

Job No. 109 111B

Subject: Percolation Testing, Lots 2 and 4, Proposed Old Orchard Subdivision, U.S.  
Highway 6, Garfield County, Colorado

Dear Mr. Gobossi:

As requested by John Taufer, Hepworth - Pawlak Geotechnical, Inc., performed percolation testing at the subject site. The testing was done in addition to our proposal for professional services to you, dated April 20, 2009. We previously conducted a preliminary geologic site assessment for the Old Orchard Subdivision and presented our findings in a report dated May 29, 2009, Job No. 109 111B.

A profile pit and three percolation test holes were excavated at the designated locations on Lots 2 and 4 on August 26, 2009 as shown on Figure 1. The subsoils exposed in the profile pits consisted of about 6 inches of topsoil overlying silty clayey sand with scattered gravel and cobbles to the bottom pit depths of 7 and 7½ feet on Lots 2 and 4, respectively. The subsoils at Lot 2 had a higher clay content and the subsoils at Lot 4 had variable rock content. Laboratory testing performed on samples obtained from the profile pits consisted of natural moisture content, dry density and percent finer than sand size gradation analyses. The laboratory testing is summarized on Table 1. No free water or evidence of a seasonal perched water table was observed in the profile pits and the soils were slightly moist to moist. Percolation test holes were hand dug and soaked with water on August 26, 2009.

Percolation testing was conducted on August 27, 2009 by a representative of Hepworth - Pawlak Geotechnical, Inc. The percolation rates varied from about 53 to 80 minutes per inch on Lot 2 and from 10 to 13 minutes per inch on Lot 4. The percolation test results are summarized on Table 2. Based on the subsurface conditions encountered and the percolation test results, the tested areas should be suitable for an on-site waste disposal

Rocky Gobossi  
August 31, 2009  
Page 2

system. Additional testing could be needed when the proposed development on the lot has been determined.

If you have any questions or need further assistance, please call our office.

Sincerely,

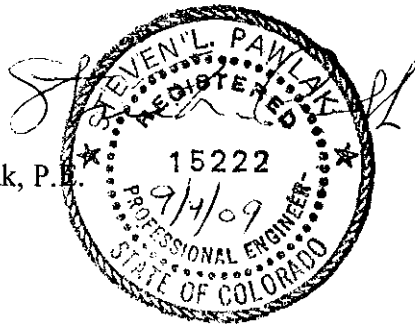
HEPWORTH - PAWLAK GEOTECHNICAL, INC.

  
Louis E. Eller

Reviewed by:

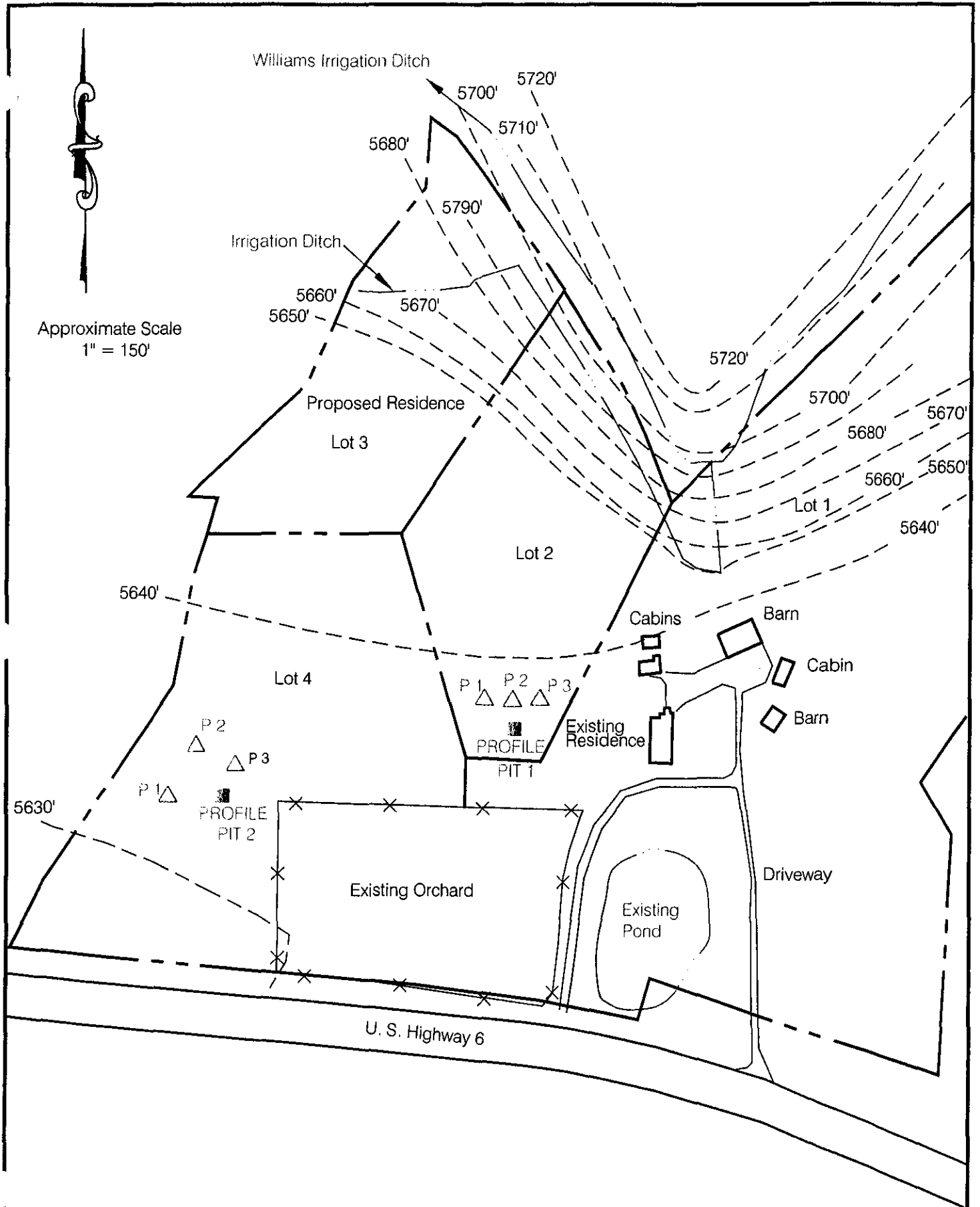
Steven L. Pawlak, P.E.

LEE/ksw



Attachments Figure 1 – Location of Percolation Test Holes  
Table 1 – Summary of Laboratory Test Results  
Table 2 – Percolation Test Results

cc: John L. Taufer & Associates – Attn: John Taufer





HEPWORTH-PAWLAK GEOTECHNICAL, INC.

TABLE 2  
PERCOLATION TEST RESULTS

LOT 2  
JOB NO. 109 111B  
Page 1 of 2

HOLE NO.	HOLE DEPTH (INCHES)	LENGTH OF INTERVAL (MIN)	WATER DEPTH AT START OF INTERVAL (INCHES)	WATER DEPTH AT END OF INTERVAL (INCHES)	DROP IN WATER LEVEL (INCHES)	AVERAGE PERCOLATION RATE (MIN./INCH)
P 1	44	20	8	7 <sup>3</sup> / <sub>4</sub>	1/4	80
			7 <sup>3</sup> / <sub>4</sub>	7 <sup>5</sup> / <sub>8</sub>	1/8	
			7 <sup>5</sup> / <sub>8</sub>	7 <sup>1</sup> / <sub>2</sub>	1/8	
			7 <sup>1</sup> / <sub>2</sub>	7 <sup>3</sup> / <sub>8</sub>	1/8	
			7 <sup>3</sup> / <sub>8</sub>	7 <sup>1</sup> / <sub>8</sub>	1/4	
			7 <sup>1</sup> / <sub>8</sub>	6 <sup>7</sup> / <sub>8</sub>	1/4	
P 2	45	10	8 <sup>1</sup> / <sub>2</sub>	8	1/2	53
			8	7 <sup>1</sup> / <sub>2</sub>	1/2	
			7 <sup>1</sup> / <sub>2</sub>	7 1/4	1/4	
			7 <sup>1</sup> / <sub>4</sub>	7	1/4	
			7	6 <sup>3</sup> / <sub>4</sub>	1/4	
			6 <sup>3</sup> / <sub>4</sub>	6 <sup>1</sup> / <sub>2</sub>	1/4	
			6 <sup>1</sup> / <sub>2</sub>	6 <sup>3</sup> / <sub>8</sub>	1/8	
			6 <sup>3</sup> / <sub>8</sub>	6 <sup>1</sup> / <sub>4</sub>	1/8	
			6 <sup>1</sup> / <sub>4</sub>	6	1/4	
P 3	48	10	9 3/4	9 <sup>1</sup> / <sub>4</sub>	1/2	80
			9 <sup>1</sup> / <sub>4</sub>	8 <sup>3</sup> / <sub>4</sub>	1/2	
			8 <sup>3</sup> / <sub>4</sub>	8 <sup>1</sup> / <sub>4</sub>	1/2	
			8 <sup>1</sup> / <sub>4</sub>	8	1/4	
			8	7 <sup>3</sup> / <sub>4</sub>	1/4	
			7 <sup>3</sup> / <sub>4</sub>	7 <sup>1</sup> / <sub>2</sub>	1/4	
			7 <sup>1</sup> / <sub>2</sub>	7 <sup>1</sup> / <sub>4</sub>	1/4	
			7 <sup>1</sup> / <sub>4</sub>	7	1/4	
			7	6 <sup>7</sup> / <sub>8</sub>	1/8	
			6 <sup>7</sup> / <sub>8</sub>	6 <sup>3</sup> / <sub>4</sub>	1/8	

Note: Percolation test holes were hand dug in the bottom of backhoe pits and soaked on August 26, 2009. Percolation tests were conducted on August 27, 2009. The average percolation rates were based on the last two readings of each test.

HEPWORTH-PAWLAK GEOTECHNICAL, INC.

TABLE 2  
PERCOLATION TEST RESULTS

LOT 4  
JOB NO. 109 111B  
Page 2 of 2

HOLE NO.	HOLE DEPTH (INCHES)	LENGTH OF INTERVAL (MIN)	WATER DEPTH AT START OF INTERVAL (INCHES)	WATER DEPTH AT END OF INTERVAL (INCHES)	DROP IN WATER LEVEL (INCHES)	AVERAGE PERCOLATION RATE (MIN./INCH)
P 1	45	15	7 <sup>3</sup> / <sub>4</sub>	6	1 <sup>3</sup> / <sub>4</sub>	13
			6	4 <sup>1</sup> / <sub>4</sub>	1 <sup>3</sup> / <sub>4</sub>	
			4 <sup>1</sup> / <sub>4</sub>	2 <sup>1</sup> / <sub>2</sub>	1 <sup>3</sup> / <sub>4</sub>	
			7 <sup>1</sup> / <sub>2</sub>	6	1 <sup>1</sup> / <sub>2</sub>	
			6	4 <sup>1</sup> / <sub>2</sub>	1 <sup>1</sup> / <sub>2</sub>	
			4 <sup>1</sup> / <sub>2</sub>	3 <sup>3</sup> / <sub>4</sub>	3 <sup>3</sup> / <sub>4</sub>	
P 2	49	15	6 <sup>3</sup> / <sub>4</sub>	4 <sup>1</sup> / <sub>2</sub>	2 <sup>1</sup> / <sub>4</sub>	10
			4 <sup>1</sup> / <sub>2</sub>	2 <sup>1</sup> / <sub>4</sub>	2 <sup>1</sup> / <sub>4</sub>	
			9 <sup>1</sup> / <sub>4</sub>	7 <sup>1</sup> / <sub>4</sub>	2	
			7 <sup>1</sup> / <sub>4</sub>	5 <sup>1</sup> / <sub>4</sub>	2	
			5 <sup>1</sup> / <sub>4</sub>	3 <sup>1</sup> / <sub>4</sub>	2	
			3 <sup>1</sup> / <sub>4</sub>	2 <sup>1</sup> / <sub>4</sub>	1	
P 3	47	15	8 <sup>1</sup> / <sub>2</sub>	6 <sup>1</sup> / <sub>2</sub>	2	11
			6 <sup>1</sup> / <sub>2</sub>	5	1 <sup>1</sup> / <sub>2</sub>	
			5	3 <sup>1</sup> / <sub>2</sub>	1 <sup>1</sup> / <sub>2</sub>	
			8	6 <sup>1</sup> / <sub>4</sub>	1 <sup>3</sup> / <sub>4</sub>	
			6 <sup>1</sup> / <sub>4</sub>	4 <sup>3</sup> / <sub>4</sub>	1 <sup>1</sup> / <sub>2</sub>	
			4 <sup>3</sup> / <sub>4</sub>	3 <sup>1</sup> / <sub>2</sub>	1 <sup>1</sup> / <sub>4</sub>	

Note: Percolation test holes were hand dug in the bottom of backhoe pits and soaked on August 26, 2009. Percolation tests were conducted on August 27, 2009. The average percolation rates were based on the last two readings of each test.



# ***Old Orchard Subdivision***

**GARFIELD COUNTY, COLORADO**

## ***PRELIMINARY PLAN DRAINAGE REPORT***

***December 2009***

*Prepared by*

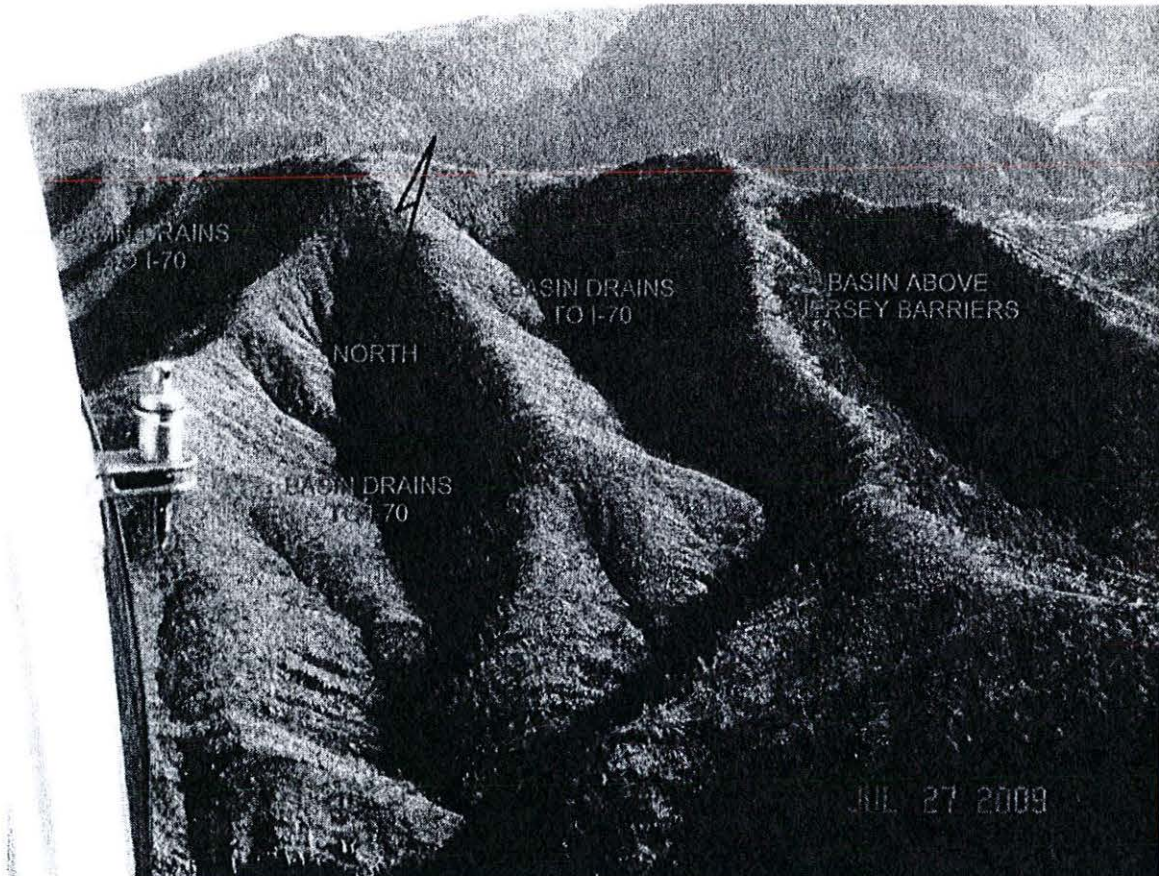
*David M. Kotz, P.E.  
Schmueser Gordon Meyer, Inc.  
118 West 6<sup>th</sup> Street, Suite 200  
Glenwood Springs CO 81601*

## PROJECT DESCRIPTION

Old Orchard Subdivision consists of 20.22-acre parcel located about 1 mile west of Canyon Creek and just north of Highway 6. This Preliminary Plan proposes to create four two-acre plus rural lots. Lot 1 will comprise the historic main house, cabin and barn complex on the east side of the property. The existing pond and orchard will also fall in the limits of Lot 1. Lots 2, 3 & 4 will be created for new residential structures. The main access road and cul-de-sac has been graded in to the new lots. An ADU is currently under construction on Lot 3. Refer to the Preliminary Plan for the layout and topography of the property.

## DRAINAGE CONSIDERATIONS

On-site drainage considerations are fairly straight forward and building code recommendations will be sufficient to protect structures from runoff generated on the property and in the lesser offsite basins. Two larger offsite basins, as shown on the Offsite Basin Map, do have the potential to impact the Old Orchard Subdivision. Both basins have appreciable area and are steep and capable of producing flash floods in response to thunderstorms.



Upper limits of Basin 2 and Adjacent Areas

Debris flows are also a concern in both of these basins. This has been discussed at Sketch Plan in H-P Geotech's "Preliminary Geologic Site Assessment" May 29, 2009 and in the Colorado Geological Survey review letter dated August 17, 2009.

Portions of these areas burned in a wild fire in 2007, just over two years ago. Heavy debris flows occurred later that summer. The Burn Area Emergency Rehabilitation (BAER) consisted of aerial seeding in February of 2008 by the BLM. Aerial straw mulching was planned but funding never came thru. The good news is that some areas have re-vegetated with the initial BAER effort and thru nature. This year's wet weather helped much of the area partially recover and soil loss rates are certainly lower than in 2007; exceptions being some steep south facing slopes that remain barren. Per the August letter, the CGS still believes there is debris flow risk and that mitigation and/or creation of "no build" areas is warranted on Lot 1. Risks to other lots are lesser but they should be acknowledged.

The goal of this drainage report is to analyze the basins to determine "clean water" flood flows and facilitate judgments as to risk and appropriate mitigation of debris flows.

### **DRAINAGE BASIN 1**

Basin 1 is a 289 acre drainage that delivers flow to Lot 1. While the stream channel intermittently carries stormwater runoff, irrigation flows from the Williams Canal are carried most of the year. The channel crosses the existing driveway in a 60" smooth-interior corrugated HDPE culvert, bypasses the pond and crosses Highway 6 in a 6' concrete box culvert. Irrigation diversions that deliver flow to the pond are located upstream of the driveway.

In response to the 2007 debris flows, a two to three foot high berm was placed on west bank to aid in protecting existing structures.



**Drainage Basin 1 Channel**

## **DRAINAGE BASIN 2**

Basin 2 is a 57 acre drainage that delivers flow to the drainage easement on the west side of Lots 3 and 4. Flow proceeds down the natural channel west of the access road and crosses Highway 6 in a 24" culvert.



**Drainage Basin 2 Channel**

## **HYDROLOGIC ANALYSIS**

This section discusses the methodology, procedures and results of the drainage analysis conducted by SGM. Complete calculations are attached.

### *Methodology*

The NRCS TR-55 method was used for estimating the amount of runoff that will occur as a result of a particular precipitation event. This method calculates runoff from individual basins based on the basin area, SCS curve number, precipitation and the time of concentration.

### *Drainage Basin Area*

Basins 1 and 2 are tributary to the Old Orchard Subdivision. The Basins are delineated on the Offsite Basin Map. Areas are 289 acres and 57 acres respectively as calculated by AutoCAD.

### *SCS Curve Number*

A SCS curve number is assigned to each basin. The curve number provides the relationship between the amount of precipitation and the amount of subsequent runoff. The curve number is a function of soil type, vegetative-cover, land use, and antecedent moisture conditions. A map and description of soil types and their boundaries based on the National Cooperative Soil Survey are attached. These were taken from the United States Department of Agriculture Natural Resources Conservation Service Web Soil Survey 1.1. An area-weighted average curve number is assigned to each sub-area due to the variation in soil types, impervious and vegetative cover. Soil types are predominantly Hydrologic Soil Group D. To account for the effects of the 2007 fire, a poor vegetative cover condition was applied over much of the areas. This results in conservatively high runoff curve numbers. Refer to the Win TR-55 Land Use Summary for specifics.

### *Precipitation*

Large runoff events in this region of Western Colorado are caused by cloudburst type storms that are characterized by short durations of high intensity rainfall. The SCS Type II 24-hour distribution best represents these types of storms and was used for this analysis. Rainfall depths were taken from the NOAA Atlas 2, Precipitation-Frequency Atlas of the Western United States, Volume III- Colorado. Values for the 5-, 10-, 25-, 50- and 100-year are 1.40, 1.60, 2.00, 2.20 and 2.50 inches, respectively.

### *Time of Concentration/Travel Time*

Time of concentration (TC) is an important parameter in runoff modeling. It is defined as the time it would take for a drop of water falling on the most hydraulically remote point in the watershed to reach the outfall. TR-55 uses a segmented approach consisting of three components: sheet flow, overland flow, and channel flow, to estimate (TC). The length of flow, surface roughness, slope and channel geometry all factor in. Flow velocities are estimated using Manning's kinematic flow equation. Shorter TC's produce more rapid runoff and comparatively higher peaks. This is the case for the steep, basins above Old Orchard as TC's are only about 17 and 13 minutes.

### *Analysis & Results*

The following table summarizes the drainage characteristics of The Old Orchard sub-areas and

presents results of the 5-, 10-, 25-, 50- and 100-year analyses. Complete computer output follows. These results are purposely high and conservative.

*TR-55 Parameters & Results*

BASIN	AREA	CN	T <sub>c</sub>	Q <sub>5</sub>	Q <sub>10</sub>	Q <sub>25</sub>	Q <sub>50</sub>	Q <sub>100</sub>
	[ac]		[hr]	[cfs]	[cfs]	[cfs]	[cfs]	[cfs]
1	289	86	0.276	141	188	291	346	430
2	57	85	0.216	27	37	59	70	88

**ANALYSIS OF RESULTS AND RECOMMENDATIONS**

**BASIN 1**

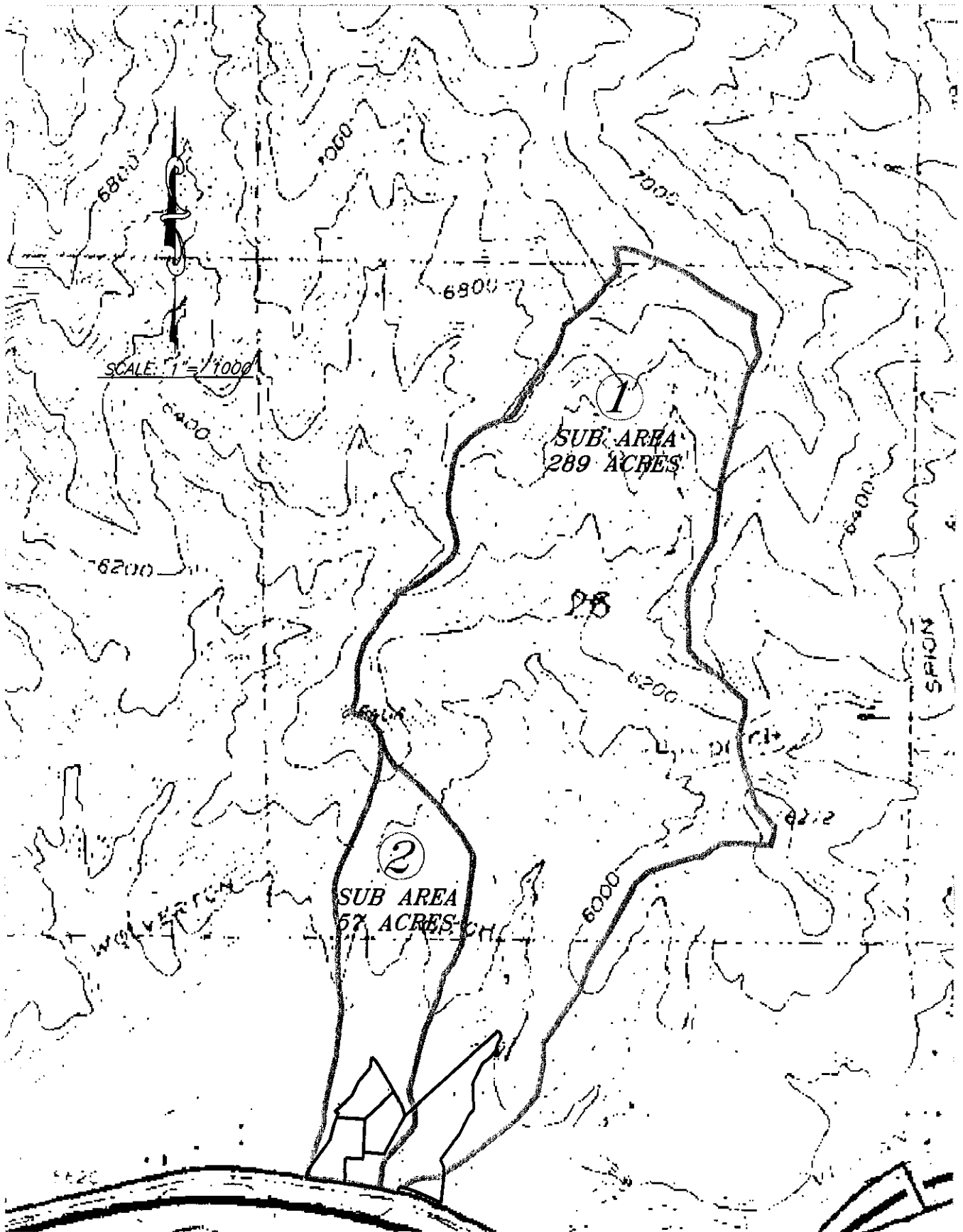
Again, these "clean water" flood flows are intended to be conservatively high. The 5-Yr flow of 141 cfs equates roughly to the capacity of the 60" driveway culvert. Excess flows will simply overtop the driveway and continue to the pond and Highway 6 box culvert. The newly constructed berm adds significant capacity to the channel and will do much to protect the existing structures. A debris grate may help to reduce clogging at the driveway culvert, but it would have to be maintained and periodically cleared. As no new development is occurring on Lot 1 and the risk to occupied structures is minimal, no improvements or mitigation is proposed at this time. At such time as a Building Permit is required in the future, it is suggested that the applicant be required to demonstrate that construction is outside hazard areas or appropriate mitigation will be completed as part of the work.

**BASIN 2**

Flows generated by Basin 2 are substantially less than Basin 1 flows. The as-constructed roadway platform provides a sufficient barrier to floods for Lot 4 and areas below. The building envelop for Lot 3 is closer to the recent debris flow deposits. To minimize risk, berming may be required between the channel and building envelop. Assuming a bulking factor of 2.0 and the 100-year flow of 88 cfs, berming to a minimum height of 3' above the channel invert in manner that provides > 30 sf of cross-sectional area would be appropriate. This berm should be tied in to the westerly edge of the road. Final location should be field determined to best fit topography and minimize impacts to vegetation.

-----DMK-----

# OLD ORCHARD SUBDIVISION





**USDA** United States  
Department of  
Agriculture



**NRCS**

Natural  
Resources  
Conservation  
Service

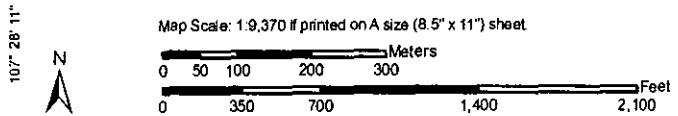
A product of the National  
Cooperative Soil Survey,  
a joint effort of the United  
States Department of  
Agriculture and other  
Federal agencies, State  
agencies including the  
Agricultural Experiment  
Stations, and local  
participants

# Custom Soil Resource Report for Rifle Area, Colorado, Parts of Garfield and Mesa Counties



November 17, 2009


Custom Soil Resource Report  
Soil Map



# Custom Soil Resource Report

## MAP LEGEND




### Area of Interest (AOI)


 Area of Interest (AOI)

### Soils


 Soil Map Units

### Special Point Features




-  Blowout
-  Borrow Pit
-  Clay Spot
-  Closed Depression
-  Gravel Pit
-  Gravelly Spot
-  Landfill
-  Lava Flow
-  Marsh or swamp
-  Mine or Quarry
-  Miscellaneous Water
-  Perennial Water
-  Rock Outcrop
-  Saline Spot
-  Sandy Spot
-  Severely Eroded Spot
-  Sinkhole
-  Slide or Slip
-  Sodic Spot
-  Spoil Area
-  Stony Spot

 Very Stony Spot

 Wet Spot

 Other

### Special Line Features

-  Gully
-  Short Steep Slope
-  Other


### Political Features

 Cities

### Water Features

-  Oceans
-  Streams and Canals

### Transportation

-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads

## MAP INFORMATION

Map Scale: 1:9,370 if printed on A size (8.5" × 11") sheet.

The soil surveys that comprise your AOI were mapped at 1:24,000.

Please rely on the bar scale on each map sheet for accurate map measurements.

Source of Map: Natural Resources Conservation Service  
 Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>  
 Coordinate System: UTM Zone 13N NAD83

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Rifle Area, Colorado, Parts of Garfield and Mesa Counties

Survey Area Data: Version 6, Mar 25, 2008

Date(s) aerial images were photographed: 7/19/2005

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

*Ming Chenoweth  
Wolverton Ditch*

## Map Unit Legend

Rifle Area, Colorado, Parts of Garfield and Mesa Counties (CO683)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
8	Atencio-Azelline complex, 1 to 3 percent slopes	3.7	1.0%
→ 10	Begay sandy loam, 1 to 6 percent slopes	22.2	5.8%
→ 57	Potts-Ildefonso complex, 3 to 12 percent slopes	2.6	0.7%
→ 67	Tomiorhents-Rock outcrop complex, steep	318.4	83.0%
69	Vale silt loam, 6 to 12 percent slopes	36.8	9.6%
<b>Totals for Area of Interest</b>		<b>383.6</b>	<b>100.0%</b>

## Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments

## Custom Soil Resource Report

on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

## Rifle Area, Colorado, Parts of Garfield and Mesa Counties

### 8—Atencio-Azeltine complex, 1 to 3 percent slopes

#### Map Unit Setting

*Elevation:* 5,000 to 7,000 feet

#### Map Unit Composition

*Azeltine and similar soils:* 45 percent

*Atencio and similar soils:* 45 percent

#### Description of Atencio

##### Setting

*Landform:* Alluvial fans, terraces

*Landform position (three-dimensional):* Tread

*Down-slope shape:* Convex

*Across-slope shape:* Convex

*Parent material:* Mixed alluvium derived from sandstone and shale

##### Properties and qualities

*Slope:* 1 to 3 percent

*Depth to restrictive feature:* More than 80 inches

*Drainage class:* Well drained

*Capacity of the most limiting layer to transmit water (Ksat):* Moderately high to high  
(0.20 to 2.00 in/hr)

*Depth to water table:* More than 80 inches

*Frequency of flooding:* None

*Frequency of ponding:* None

*Calcium carbonate, maximum content:* 10 percent

*Maximum salinity:* Nonsaline (0.0 to 2.0 mmhos/cm)

*Available water capacity:* Low (about 3.8 inches)

##### Interpretive groups

*Land capability classification (irrigated):* 4s

*Land capability (nonirrigated):* 4s

*Ecological site:* Rolling Loam (R048AY298CO)

##### Typical profile

*0 to 11 inches:* Sandy loam

*11 to 23 inches:* Gravelly sandy clay loam

*23 to 28 inches:* Gravelly sandy loam

*28 to 60 inches:* Extremely cobbly sand

#### Description of Azeltine

##### Setting

*Landform:* Terraces, alluvial fans

*Landform position (three-dimensional):* Tread

*Down-slope shape:* Convex, linear

*Across-slope shape:* Convex, linear

*Parent material:* Mixed alluvium derived from sandstone and shale

##### Properties and qualities

*Slope:* 1 to 3 percent

*Depth to restrictive feature:* More than 80 inches

## Custom Soil Resource Report

*Drainage class:* Well drained  
*Capacity of the most limiting layer to transmit water (Ksat):* Moderately high to high  
(0.60 to 6.00 in/hr)  
*Depth to water table:* More than 80 inches  
*Frequency of flooding:* None  
*Frequency of ponding:* None  
*Calcium carbonate, maximum content:* 10 percent  
*Maximum salinity:* Nonsaline (0.0 to 2.0 mmhos/cm)  
*Available water capacity:* Very low (about 2.5 inches)

### Interpretive groups

*Land capability classification (irrigated):* 4s  
*Land capability (nonirrigated):* 4s  
*Ecological site:* Rolling Loam (R048AY298CO)

### Typical profile

*0 to 18 inches:* Gravelly sandy loam  
*18 to 60 inches:* Extremely gravelly sand

## 10—Begay sandy loam, 1 to 6 percent slopes

### Map Unit Setting

*Elevation:* 5,000 to 6,500 feet

### Map Unit Composition

*Begay and similar soils:* 90 percent

### Description of Begay

#### Setting

*Landform:* Valley sides, alluvial fans  
*Down-slope shape:* Convex, linear  
*Across-slope shape:* Convex, linear  
*Parent material:* Alluvium derived from sandstone and shale

#### Properties and qualities

*Slope:* 1 to 6 percent  
*Depth to restrictive feature:* More than 80 inches  
*Drainage class:* Well drained  
*Capacity of the most limiting layer to transmit water (Ksat):* Moderately high to high  
(0.60 to 6.00 in/hr)  
*Depth to water table:* More than 80 inches  
*Frequency of flooding:* None  
*Frequency of ponding:* None  
*Calcium carbonate, maximum content:* 10 percent  
*Maximum salinity:* Nonsaline (0.0 to 2.0 mmhos/cm)  
*Available water capacity:* Moderate (about 6.3 inches)

### Interpretive groups

*Land capability classification (irrigated):* 3e  
*Land capability (nonirrigated):* 4e

## Custom Soil Resource Report

*Ecological site:* Rolling Loam (R048AY298CO)

### Typical profile

*0 to 14 inches:* Sandy loam  
*14 to 24 inches:* Fine sandy loam  
*24 to 60 inches:* Stony sandy loam

## 57—Potts-Ildefonso complex, 3 to 12 percent slopes

### Map Unit Setting

*Elevation:* 5,000 to 6,500 feet

### Map Unit Composition

*Potts and similar soils:* 60 percent  
*Ildefonso and similar soils:* 30 percent

### Description of Potts

#### Setting

*Landform:* Valley sides, mesas  
*Down-slope shape:* Convex, linear  
*Across-slope shape:* Convex, linear  
*Parent material:* Alluvium derived from basalt and/or alluvium derived from sandstone and shale

#### Properties and qualities

*Slope:* 3 to 12 percent  
*Depth to restrictive feature:* More than 80 inches  
*Drainage class:* Well drained  
*Capacity of the most limiting layer to transmit water (Ksat):* Moderately high (0.20 to 0.60 in/hr)  
*Depth to water table:* More than 80 inches  
*Frequency of flooding:* None  
*Frequency of ponding:* None  
*Calcium carbonate, maximum content:* 15 percent  
*Maximum salinity:* Nonsaline (0.0 to 2.0 mmhos/cm)  
*Available water capacity:* High (about 10.3 inches)

#### Interpretive groups

*Land capability (nonirrigated):* 4e  
*Ecological site:* Rolling Loam (R048AY298CO)

#### Typical profile

*0 to 4 inches:* Loam  
*4 to 28 inches:* Clay loam  
*28 to 60 inches:* Loam

### Description of Ildefonso

#### Setting

*Landform:* Mesas, valley sides  
*Down-slope shape:* Convex  
*Across-slope shape:* Convex



## Custom Soil Resource Report

*Parent material:* Alluvium derived from basalt and/or alluvium derived from sandstone and shale

### Properties and qualities

*Slope:* 6 to 12 percent

*Depth to restrictive feature:* More than 80 inches

*Drainage class:* Well drained

*Capacity of the most limiting layer to transmit water (Ksat):* Moderately high to high (0.60 to 6.00 in/hr)

*Depth to water table:* More than 80 inches

*Frequency of flooding:* None

*Frequency of ponding:* None

*Calcium carbonate, maximum content:* 35 percent

*Maximum salinity:* Nonsaline to very slightly saline (0.0 to 4.0 mmhos/cm)

*Available water capacity:* Low (about 5.1 inches)

### Interpretive groups

*Land capability (nonirrigated):* 6e

### Typical profile

*0 to 8 inches:* Stony loam

*8 to 60 inches:* Very stony loam

## 67—Torriorthents-Rock outcrop complex, steep

### Map Unit Setting

*Elevation:* 5,800 to 8,500 feet

*Mean annual precipitation:* 10 to 15 inches

*Mean annual air temperature:* 39 to 46 degrees F

*Frost-free period:* 80 to 105 days

### Map Unit Composition

*Torriorthents, steep, and similar soils:* 60 percent

*Rock outcrop, steep:* 25 percent

### Description of Torriorthents, Steep

#### Setting

*Landform:* Mountainsides

*Landform position (two-dimensional):* Footslope

*Landform position (three-dimensional):* Mountainflank, base slope

*Down-slope shape:* Concave, convex

*Across-slope shape:* Concave, convex

*Parent material:* Stony, basaltic alluvium derived from sandstone and shale

#### Properties and qualities

*Slope:* 15 to 70 percent

*Depth to restrictive feature:* 4 to 30 inches to lithic bedrock

*Drainage class:* Well drained

*Capacity of the most limiting layer to transmit water (Ksat):* Moderately low to moderately high (0.06 to 0.20 in/hr)

## Custom Soil Resource Report

*Depth to water table:* More than 80 inches  
*Frequency of flooding:* None  
*Frequency of ponding:* None  
*Calcium carbonate, maximum content:* 5 percent  
*Maximum salinity:* Nonsaline (0.0 to 2.0 mmhos/cm)  
*Available water capacity:* Very low (about 2.4 inches)

### **Interpretive groups**

*Land capability (nonirrigated):* 7e

### **Typical profile**

*0 to 4 inches:* Variable  
*4 to 30 inches:* Fine sandy loam  
*30 to 34 inches:* Unweathered bedrock

### **Description of Rock Outcrop, Steep**

#### **Setting**

*Landform:* Mountainsides  
*Landform position (three-dimensional):* Free face  
*Down-slope shape:* Convex  
*Across-slope shape:* Convex

#### **Properties and qualities**

*Slope:* 15 to 70 percent  
*Depth to restrictive feature:* 0 inches to paralithic bedrock  
*Capacity of the most limiting layer to transmit water (Ksat):* Very low to moderately high (0.00 to 0.20 in/hr)  
*Available water capacity:* Very low (about 0.0 inches)

### **Interpretive groups**

*Land capability (nonirrigated):* 8s

### **Typical profile**

*0 to 60 inches:* Unweathered bedrock

## **69—Vale silt loam, 6 to 12 percent slopes**

### **Map Unit Setting**

*Elevation:* 5,000 to 7,200 feet

### **Map Unit Composition**

*Vale and similar soils:* 90 percent

### **Description of Vale**

#### **Setting**

*Landform:* Alluvial fans, benches, mesas  
*Down-slope shape:* Linear, convex  
*Across-slope shape:* Linear, convex  
*Parent material:* Calcareous eolian deposits

## Custom Soil Resource Report

### Properties and qualities

*Slope:* 6 to 12 percent

*Depth to restrictive feature:* More than 80 inches

*Drainage class:* Well drained

*Capacity of the most limiting layer to transmit water (Ksat):* Moderately high (0.20 to 0.60 in/hr)

*Depth to water table:* More than 80 inches

*Frequency of flooding:* None

*Frequency of ponding:* None

*Calcium carbonate, maximum content:* 15 percent

*Maximum salinity:* Nonsaline (0.0 to 2.0 mmhos/cm)

*Available water capacity:* High (about 10.5 inches)

### Interpretive groups

*Land capability classification (irrigated):* 4e

*Land capability (nonirrigated):* 4e

*Ecological site:* Deep Loam (R048AY292CO)

### Typical profile

*0 to 7 inches:* Silt loam

*7 to 11 inches:* Silt loam

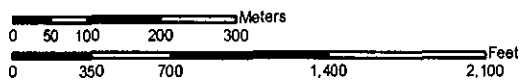
*11 to 26 inches:* Silty clay loam

*26 to 60 inches:* Silt loam

Custom Soil Resource Report  
Map—Hydrologic Soil Group



Map Scale: 1:9,370 if printed on A size (8.5" x 11") sheet.



# Custom Soil Resource Report

## MAP LEGEND

### Area of Interest (AOI)

 Area of Interest (AOI)

### Soils

 Soil Map Units

### Soil Ratings

 A

 A/D

 B

 B/D

 C

 C/D

 D

Not rated or not available

### Political Features

 Cities

### Water Features

 Oceans

Streams and Canals

### Transportation

 Rails

 Interstate Highways

 US Routes

 Major Roads

 Local Roads

## MAP INFORMATION

Map Scale: 1:9,370 if printed on A size (8.5" x 11") sheet.

The soil surveys that comprise your AOI were mapped at 1:24,000.

Please rely on the bar scale on each map sheet for accurate map measurements.

Source of Map: Natural Resources Conservation Service  
Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>  
Coordinate System: UTM Zone 13N NAD83

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Rifle Area, Colorado, Parts of Garfield and Mesa Counties  
Survey Area Data: Version 6, Mar 25, 2008

Date(s) aerial images were photographed: 7/19/2005

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Custom Soil Resource Report

**Table—Hydrologic Soil Group**

<b>Hydrologic Soil Group— Summary by Map Unit — Rifle Area, Colorado, Parts of Garfield and Mesa Counties</b>				
<b>Map unit symbol</b>	<b>Map unit name</b>	<b>Rating</b>	<b>Acres in AOI</b>	<b>Percent of AOI</b>
8	Atencio-Azeltine complex, 1 to 3 percent slopes	B	3.7	1.0%
10	Begay sandy loam, 1 to 6 percent slopes	B	22.2	5.8%
57	Potts-Ildefonso complex, 3 to 12 percent slopes	B	2.6	0.7%
67	Torriorhents-Rock outcrop complex, steep	D	318.4	83.0%
69	Vale silt loam, 6 to 12 percent slopes	B	36.8	9.6%
<b>Totals for Area of Interest</b>			<b>383.6</b>	<b>100.0%</b>

**Rating Options—Hydrologic Soil Group**

*Aggregation Method: Dominant Condition*

*Component Percent Cutoff: None Specified*

*Tie-break Rule: Lower*

WinTR-55 Current Data Description

--- Identification Data ---

User: DMK Date: 12/8/2009  
 Project: Old Orchard Subdivision Units: English  
 SubTitle: Offsite Watershed Areal Units: Acres  
 State: Colorado  
 County: Garfield  
 Filename: I:\2009\2009-336.001 Old Orchard Sub\PrelimPlan\OldOrchard.w55

--- Sub-Area Data ---

Name	Description	Reach	Area(ac)	RCN	Tc
Sub-area 1	Tributary to Lot 1	Outlet	288.86	86	.276
Sub-area 2	Tributary to Lot 3	Outlet	57.06	85	.216

Total area: 345.92 (ac)

--- Storm Data ---

Rainfall Depth by Rainfall Return Period

2-Yr (in)	5-Yr (in)	10-Yr (in)	25-Yr (in)	50-Yr (in)	100-Yr (in)	1-Yr (in)
1.0	1.4	1.6	2.0	2.2	2.5	1.0

Storm Data Source: User-provided custom storm data  
 Rainfall Distribution Type: Type II  
 Dimensionless Unit Hydrograph: <standard>

DMK

Old Orchard Subdivision  
Offsite Watershed  
Garfield County, Colorado

Storm Data

Rainfall Depth by Rainfall Return Period

2-Yr (in)	5-Yr (in)	10-Yr (in)	25-Yr (in)	50-Yr (in)	100-Yr (in)	1-Yr (in)
1.0	1.4	1.6	2.0	2.2	2.5	1.0

Storm Data Source: User-provided custom storm data  
Rainfall Distribution Type: Type II  
Dimensionless Unit Hydrograph: <standard>



DMK

Old Orchard Subdivision  
Offsite Watershed  
Garfield County, Colorado

Watershed Peak Table

Sub-Area or Reach Identifier	Peak Flow by Rainfall Return Period					
	2-Yr (cfs)	5-Yr (cfs)	10-Yr (cfs)	25-Yr (cfs)	50-Yr (cfs)	100-Yr (cfs)
-----						
SUBAREAS						
Sub-area 1	57.61	140.60	188.16	290.93	345.80	429.68
Sub-area 2	10.66	27.47	37.27	58.56	69.90	87.54
REACHES						
OUTLET	67.78	167.24	224.08	347.64	412.94	514.16

DMK

Old Orchard Subdivision  
Offsite Watershed  
Garfield County, Colorado

Hydrograph Peak/Peak Time Table

Sub-Area or Reach Identifier	Peak Flow and Peak Time (hr) by Rainfall Return Period					
	2-Yr (cfs) (hr)	5-Yr (cfs) (hr)	10-Yr (cfs) (hr)	25-Yr (cfs) (hr)	50-Yr (cfs) (hr)	100-Yr (cfs) (hr)
-----						
SUBAREAS						
Sub-area 1	57.61 12.09	140.60 12.08	188.16 12.08	290.93 12.07	345.80 12.06	429.68 12.07
Sub-area 2	10.66 12.07	27.47 12.04	37.27 12.04	58.56 12.04	69.90 12.03	87.54 12.03
REACHES						
OUTLET	67.78	167.24	224.08	347.64	412.94	514.16

DMK

Old Orchard Subdivision  
Offsite Watershed  
Garfield County, Colorado

Sub-Area Summary Table

Sub-Area Identifier	Drainage Area (ac)	Time of Concentration (hr)	Curve Number	Receiving Reach	Sub-Area Description
Sub-area 1	288.86	0.276	86	Outlet	Tributary to Lot 1
Sub-area 2	57.06	0.216	85	Outlet	Tributary to Lot 3
-----					
Total Area:	345.92 (ac)				



DMK

Old Orchard Subdivision  
Offsite Watershed  
Garfield County, Colorado


Sub-Area Land Use and Curve Number Details

Sub-Area Identifier	Land Use	Hydrologic Soil Group	Sub-Area Area (ac)	Curve Number
Sub-area 1	Paved parking lots, roofs, driveways	D	.5	98
	Herbaceous	(fair) D	40	89
	Oak - aspen	(fair) D	5	63
	Pinyon - juniper	(poor) D	150	89
	Pinyon - juniper	(fair) D	90	80
	Sagebrush (w/ grass understory)	(fair) D	3.36	70
	Total Area / Weighted Curve Number		288.86	86
			=====	==
Sub-area 2	Paved parking lots, roofs, driveways	D	.7	98
	Pasture, grassland or range	(fair) D	10	84
	Herbaceous	(fair) D	5	89
	Pinyon - juniper	(poor) D	22.06	89
	Pinyon - juniper	(fair) D	19.3	80
	Total Area / Weighted Curve Number		57.06	85
			=====	==



## MEMORANDUM

TO: Fred Jarman, AICP, Garfield County Planning Director  
Roc & Mary Gabossi, Owners

FROM: Lee Barger, SGM 

DATE: September 17, 2009

RE: Level I Traffic Assessment  
Lot 1 – 4 of the Old Orchard Subdivision  
CDOT Access Permit #309040 – Milepost 109.8 US Highway 6

This Level I Traffic Assessment was prepared to satisfy the requirements set forth in the State of Colorado *State Highway Access Code (SHAC)* for a site that is proposed to generate under 10 trips in the peak hour. The Old Orchard Subdivision east of New Castle, Colorado is proposing three single-family homes to utilize this new access. Each unit will be allowed an additional Accessory Dwelling Unit (ADU) for a total of six new potential residential units on the site.

### Site Conditions

The existing property that is to be subdivided has two access points along US Highway 6, near milepost 109. The easternmost access will remain open to serve the existing home on the property. The western access will be closed, while a new access will be constructed along the west property line to serve the three lots and ADU's in the proposed subdivision. The new access is governed by CDOT's access permit #309040.

### Trip Generation

ITE's *Trip Generation (7<sup>th</sup> Edition)* was used to estimate the traffic that would be generated by the proposed three-home subdivision utilizing the new access. Based on the daily rate for a single-family detached home (Land Use Code #210), the proposed three homes + ADU's would generate approximately 57 trips (9.57 trips per unit x 6 units) on an average weekday. Using the peak hour rates, the site would generate 4 – 5 trips (0.75 trips per unit x 6 units) in the AM peak and 6 trips (1.01 trips per unit x 6 units) in the PM peak hour on an average weekday. This demonstrates that peak hour traffic generation at this access is not expected to exceed 6 vehicles per hour.

# STATE OF COLORADO

Region 3 Traffic Section  
222 S. Sixth St., Room 100  
Grand Junction, Colorado 81501  
(970) 683-6284 Fax:(970) 683-6290



July 15, 2009

John Taufer  
PO Box 2271  
Glenwood Springs, CO 81602

**RE: State Highway Access Permit No. 309040, Located on Highway 006, Milepost 109.8,  
in Garfield County.**

Dear Permittee or Applicant:

The Colorado Department of Transportation (CDOT) has received your signed permit and application fee. A copy of the issued permit is enclosed. The next step in the CDOT access permitting process is for you (Applicant) to obtain a Notice to Proceed (NTP). *Failure to obtain an approved Notice to Proceed prior to any construction will be a violation of the State Highway Access Code (2 CCR 601-1, "the Code") § 2.4.*

### **Notice to Proceed Information**

Well in advance of construction, the Applicant shall request a NTP in writing along with submitting other items, such as construction drawings, specifications, and other required documents to CDOT. The Applicant must submit a complete packet of this information to CDOT with their written request. If the Applicant chooses not to request the NTP, the permit expires pursuant to subsection 2.3(11)(d).

CDOT has seven days to determine if the NTP submittal is complete for review and then notify the applicant of any deficiencies. If complete, CDOT will review and comment on the submitted information within 30-days. If CDOT determines the information is unacceptable, missing, or in need of correction, the Applicant shall correct their submittal and resubmit the complete request for NTP.

Once resubmitted, CDOT will review the revised NTP documents within 10-days. If the revised documents are satisfactory, CDOT will issue a NTP. If further corrections are necessary, the cycle of submittal, review and comments will repeat itself until approval is granted and the NTP is issued.

The request for NTP shall include the following documents, along with any other items specified in the Terms and Conditions of your permit:

- 1) **Cover Letter Requesting a NTP (include firm name, PE name and contact number)**
- 2) **Traffic Control Plan (2 copies)**

The traffic control plan must be:

- A. Consistent with CDOT Standard Plans Manual for Maintenance and Signing
- B. Consistent with the MUTCD
- C. Prepared by individual with American Traffic Safety Services Association (ATSSA) or Colorado Contractors Association certification – or sealed (stamped) by a Colorado registered professional engineer
- D. Acceptable to CDOT prior to any construction within the right-of-way
- E. Presented in a manner that provides a method of handling traffic (MHT) for each different phase of construction. The MHT will describe proposed construction phasing and will include dimensioned diagrams of work zone elements.

The final traffic control plan must be submitted a minimum of three working days in advance of construction. Such plans may be revised as necessary with CDOT concurrence.

3) **Insurance Liability Certification**

The Applicant or contractor shall be required to provide a comprehensive general liability and property damage insurance naming CDOT as an additional insured party, in the amounts of not less than \$1,000,000 per occurrence and automobile liability insurance of \$1,000,000 combined single limit bodily injury and property damage for each accident, during the period of access construction.

4) **Complete Construction Plans**

The Applicant shall provide two copies of 11" x 17" construction plans and specifications for the proposed improvements. The plans shall:

- A. Address, as applicable, geometry, drainage, striping, signing, and signalization
- B. Include, but not limited to, layout of the access, highway improvements, utility locations, present and proposed drainage, present and proposed right-of-way lines, present and proposed traffic control devices, and clear zone analysis
- C. Sealed by a Colorado Professional Engineer in accordance with CRS 12-25-117
- D. Conform to the requirement of the permit terms and conditions
- E. If applicable, include the following statement on the cover page of the plans: "This design is in full compliance with Section 4 of the State Highway Access Code, 2 CCR 601-1 except for the following approved design waivers:"

Feel free to contact me with any questions you might have.

Respectfully,

Dan Roussin  
Region 3 Access Manager

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## STATE HIGHWAY ACCESS PERMIT 309040

Located on the north side of Hwy 006D at mile post 109.800  
Issued to Roc Gabossi

July 7, 2009

### TERMS AND CONDITIONS

1. This permitted access is only for the use and purpose stated in the Application and Permit. This Permit is issued in accordance with the State Highway Access Code (2 CCR 601-1), and is based in part upon the information submitted by the Permittee. Any subsequent relocation, reconstruction, or modifications to the access or changes in the traffic volume or traffic nature using the access shall be requested for by means of a new application. Any changes causing non-compliance with the Access Code may render this permit void, requiring a new permit.
2. The access is for all lots of the Old Orchard Subdivision (Lots 1-4).
3. The existing access (mp 109.96) for Lot 1 (44523 Highway 6) shall remain until the Lot 1 either re-develops or if Lot 1 subdivides then the existing access shall close to Lot 1 and use the mp 109.8 access point.
4. If Lot 2-4 re-develops into a commercial property then existing access (mp 109.96) to Lot 1 shall be removed and restored to its original condition.
5. The permittee shall close an existing residential access which is 240 feet west of the existing residential driveway (Lot 1). The permittee shall remove the gate and replace the gate with a fence section and restore the drainage at the expense of the permittee.
6. This permit replaces any and all additional access permits that may be in existence.
7. This access shall be constructed 16-25 feet wide with turning radii to accommodate the minimum turning radius of the largest vehicle or 35 foot, whichever is greater.
8. An 18-inch minimum culvert with protective end treatments shall be required for this access. The culvert shall be kept free of blockage to maintain proper flow and drainage.
9. The access shall be constructed perpendicular to the travel lanes of the State Highway for a minimum distance of 40 feet from the edge of roadway. Side slopes shall be at a 4:1 slope on the roadway. The roadway shall slope away from the highway at a -2% grade for the first 20 feet of driveway. This design shall be in conformance with section 4 of the State Highway Access Code, 2CCR 601-1.
10. Materials, Placing and Compaction of Driveway: Unless the Applicant has approval from the Access Manager which may state otherwise, the following will be required for driveway construction: Sub-Base: 12 inches of Class 3 gravel in two 6-inch lifts, Base: 12 inches of class 6 gravel in two 6-inch lifts, Surface: 4 inches of Pavement in two 2 inch lifts. Compaction of the subgrade, embankments and backfill shall comply with section 203.08 of the Colorado Highway Standard Specifications for Road and Bridge Construction.
11. The access shall be surfaced in accordance with Section 4.7 of the Access Code immediately upon completion of earthwork construction and prior to use. This access shall be hard surfaced in accordance with Section 4.7 of the Access Code a minimum distance of 20 feet from the traveled way or to the CDOT Right-of-Way. Where the hard surface is to abut existing pavement, the existing pavement shall be saw cut and removed a minimum of one foot back from the existing edge for bituminous, or until an acceptable existing cross slope is achieved. Surfacing shall meet the Department's specifications with minimum surfacing to be equal to or greater than existing highway conditions.

**STATE HIGHWAY ACCESS PERMIT 309040**

**July 7, 2009**

Located on the north side of Hwy 006D at mile post 109.800  
Issued to Roc Gabossi

12. A Notice to Proceed, CDOT Form 1265, is required before beginning construction on the access or any activity within the highway Right-of-Way. To receive the Notice to Proceed the Applicant shall submit a complete packet to CDOT with the following items:
  - (a) A cover letter requesting a Notice to Proceed, and the intended date to begin construction.
  - (b) Construction Plans Stamped (11"x 17" with a minimum scale of 1" = 50') by a Colorado Registered Professional Engineer in full compliance with the State Highway Access Code. The plan shall provide:
    - i) Plan view with driveway dimensions - turn radius, width, slope, gates, etc.
    - ii) Typical road section - existing and proposed sub base, base, pavement, and shoulder dimensions.
    - iii) Centerline profile of the access/Hwy connection showing depths, driveway slope, etc.
  - (c) Certificate of Insurance Liability as per Section 2.3(11)(i) of the State Highway Access Code.
  - (d) A certified Traffic Control Plan in accordance with Section 2.4(6) of the Access Code. The Traffic Control Plan shall provide accessibility features to accommodate all pedestrians including persons with disabilities for all pathways during construction.
13. No drainage from this site shall enter onto the State Highway travel lanes. The Permittee is required to maintain all drainage in excess of historical flows and time of concentration on site. All existing drainage structures shall be extended, modified or upgraded, as applicable, to accommodate all new construction and safety standards, in accordance with the Department's standard specifications.
14. Open cuts, which are at least 4 inches in depth, within 30 feet of the edge of the State Highway traveled way, will not be left open at night, on weekends, or on holidays, or shall be protected with a suitable barrier per State and Federal Standards.
15. Nothing in this permit shall prohibit the Chief Engineer from exercising the right granted in CRS 43-3-102 including but not limited to restricting left hand turns by construction of physical medial separations.
16. The Permittee is responsible for obtaining any necessary additional Federal, State and/or City/County permits or clearances required for construction of the access. Approval of this access permit does not constitute verification of this action by the Permittee. Permittee is also responsible for obtaining all necessary utility permits in addition to this access permit.
17. All workers within the State Highway right of way shall comply with their employer's safety and health policies/procedures, and all applicable U.S. Occupational Safety and Health Administration (OSHA) regulations - including, but not limited to the applicable sections of 29 CFR Part 1910 - Occupational Safety and Health Standards and 29 CFR Part 1926 - Safety and Health Regulations for Construction. Personal protective equipment (e.g. head protection, footwear, high visibility apparel, safety glasses, hearing protection, respirators, gloves, etc.) shall be worn as appropriate for the work being performed, and as specified in regulation.
18. The Permittee shall provide accessibility features to accommodate all pedestrians including persons with disabilities for all pathways during and after construction.
19. The Permittee is required to comply with the Americans with Disabilities Act Accessibility Guidelines (ADAAG) that have been adopted by the U.S. Architectural and Transportation

## STATE HIGHWAY ACCESS PERMIT 309040

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Barriers Compliance Board (Access Board), and incorporated by the U.S. Attorney General as a federal standard. These guidelines are defining traversable slope requirements and prescribing the use of a defined pattern of truncated domes as detectable warnings at street crossings. The new Standards Plans and can be found on the Design and Construction Project Support web page at: <http://www.dot.state.co.us/DesignSupport/>, then click on *Design Bulletins*.

20. When it is necessary to remove any highway right-of-way fence, the posts on either side of the access entrance shall be securely braced with approved end posts and in conformance with the Department's M-607-1 standard, before the fence is cut, to prevent slacking of the remaining fence. All materials removed shall be returned to the Department.
21. It shall be the responsibility of the Permittee to maintain adequate sight distance for this driveway. Trimming of vegetation or trees to maintain adequate sight distance is the sole responsibility of the Permittee.
22. Any damage to present highway facilities including traffic control devices shall be repaired immediately at no cost to the Department and prior to continuing other work.
23. During access construction no construction personnel vehicles will be permitted to park in the state highway right-of-way.
24. If the access has a gate across it, the gate shall be set back far enough from the highway so that the longest vehicle using it can clear the roadway when the gate is closed.
25. Any mud or other material tracked or otherwise deposited on the roadway shall be removed daily or as ordered by the Department inspector. If mud is an obvious condition during site construction, it is recommended that the contractor build a Stabilized Construction Entrance or Scrubber Pad at the intended construction access to aid in the removal of mud and debris from vehicle tires. The details of the Stabilized Construction Entrance can be found in the M & S Standards Plan No. M-208-1.
26. A fully executed, complete copy of this permit and the Notice to Proceed must be on the job site with the contractor at all times during the construction. Failure to comply with this or any other construction requirement may result in the immediate suspension of work by order of the Department inspector or the Issuing authority.
27. No work will be allowed at night, Saturdays, Sundays and legal holidays without prior authorization from the Department. The Department may also restrict work within the State Highway right-of-way during adverse weather conditions.
28. The access shall be completed in an expeditious and safe manner and shall be completed within 45 days from initiation of construction within State Highway right-of-way or in accordance with written concurrence of the Access Manager. All construction shall be completed in a single season.
29. All costs associated with any type of utility work will be at the sole responsibility and cost of the Permittee and at no cost to CDOT.
30. Areas of roadway and/or right-of-way disturbed during this installation shall be restored to their original conditions to insure proper strength and stability, drainage and erosion control. Restoration shall meet the Department's standard specifications for topsoil, fertilization, mulching, and re-seeding.

**STATE HIGHWAY ACCESS PERMIT 309040**

Located on the north side of Hwy 006D at mile post 109.800  
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**July 7, 2009**

31. Upon the completion of the access and prior to any use as allowed by this permit, the Applicant shall notify the Access Manager by certified mail within 10 days to request a final inspection. This request shall include certification that all materials and construction have been completed in accordance with all applicable Department Standards and Specifications; and that the access is constructed in conformance with the State Highway Access Code, 2 CCR 601-1, including this permit. The Engineer of Record as indicated on the construction plans, shall be present for this inspection. The access serviced by this permit may not be opened to traffic until written approval has been given from the CDOT Access Manager.

## COLORADO DEPARTMENT OF TRANSPORTATION Environmental Clearances Information Summary

**PURPOSE** - This summary is intended to inform entities external to CDOT that may be entering the state highway right-of-way to perform work related to their own facilities (such as Utility, Special Use or Access Permittees), about some of the more commonly encountered environmental permits/clearances that may apply to their activities. This listing is not all-inclusive - additional environmental or cultural resource permits/clearances may be required in certain instances. Appropriate local, state and federal agencies should be contacted for additional information if there is any uncertainty about what permits/clearances are required for a specific activity. **IMPORTANT - Please Review The Following Information Carefully - Failure to Comply With Regulatory Requirements May Result In Suspension or Revocation of Your CDOT Permit, Or Enforcement Actions By Other Agencies**

**CLEARANCE CONTACTS** - As indicated in the permit/clearance descriptions listed below, the following individuals or agencies may be contacted for additional information:

- Colorado Department of Public Health and Environment (CDPHE) - General Information - (303) 692-2035  
Water Quality Control Division (WQCD) (303) 692-3500  
Environmental Permitting Website <http://www.cdphe.state.co.us/permits.asp>.
- CDOT Water Quality Program Manager; Rick Willard (303) 757-9343
- CDOT Asbestos Project Manager; Julia Horn (303) 512-5519
- Colorado Office of Archaeology and Historic Preservation: (303) 866-3395
- U.S. Army Corps of Engineers, District Regulatory Offices  
Omaha District (NE Colorado), Denver Office (303) 979-4120 <http://www.nwo.usace.army.mil/html/od-ii/tri-lakes.html>  
Sacramento Dist. (Western CO), Grand Junction Office (970) 243-1199 <http://www.spk.usace.army.mil/cespk-co/regulatory/>  
Albuquerque District (SE Colorado), Pueblo Reg. Office (719)-543-6915 <http://www.spa.usace.army.mil/reg/>
- CDOT Utilities, Special Use and Access Permitting: (303) 757-9654 <http://www.dot.state.co.us/Permits/>

**Ecological Resources** - Disturbance of wildlife shall be avoided to the maximum extent practicable. Entry into areas of known or suspected threatened or endangered species habitat will require special authorization from the CDOT permitting office. If any threatened or endangered species are encountered during the progress of the permitted work, work in the subject area shall be halted and the CDOT Regional Permitting Office and Regional Planning and Environmental Manager shall be contacted immediately. Authorization must be provided by CDOT prior to the continuation of work. Information about threatened or endangered species may be obtained from the CDOT website <http://www.dot.state.co.us/environmental/Wildlife/Guidelines.asp>, or the Colorado Division of Wildlife website <http://wildlife.state.co.us/WildlifeSpecies/SpeciesOfConcern/>. Additional guidance may be provided by the Regional Permitting Office in the Permit Special Provisions.

**Cultural Resources** - The applicant must request a file search of the permit area through the Colorado Office of Archaeology and Historic Preservation (OAHP), Denver, to ascertain if historic or archaeological resources have previously been identified. Inventory of the permit area by a qualified cultural resources specialist may be necessary, per the recommendation of OAHP and/or CDOT. If archaeological or historical artifacts are encountered during the progress of the permitted work, work in the subject area shall be halted and the CDOT Regional Permitting Office and Regional Planning and Environmental Manager shall be contacted immediately. Authorization must be provided by CDOT prior to the continuation of work. Additional guidance may be provided by the Regional Permitting Office in the Permit Special Provisions. **Contact Information** Contact the OAHP at (303) 866-3395.

**General Prohibition - Discharges** - All discharges are subject to the provisions of the Colorado Water Quality Control Act and the Colorado Discharge Permit Regulations. Prohibited discharges include substances such as wash water, paint, automotive fluids, solvents, oils or soaps. **Contact Information:** Contact the CDOT Water Quality Program Manager at (303) 757-9343, or the Colorado Department of Public Health and Environment, Water Quality Control Division (WQCD) at (303) 692-3500.

**General Authorization - Allowable Non-Stormwater Discharges** - Unless otherwise identified by CDOT or the WQCD as significant sources of pollutants to the waters of the State, the following discharges to stormwater systems are allowed without a Colorado Discharge Permit System permit: landscape irrigation, diverted stream flows, uncontaminated ground water infiltration to separate storm sewers, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, footing drains; water line flushing, flows from riparian habitats and wetlands, and flow from fire fighting activities. **Contact Information:** The CDOT Water Quality Program Manager or the CDPHE Water Quality Control Division (telephone #'s listed above).

**Hazardous Materials, Solid Waste** - The Solid Wastes Disposal Sites and Facilities Act C.R.S. 30-20-100, et al, and Regulations Pertaining to Solid Waste Disposal Sites and Facilities (6 CCR 1007-2), prohibit solid waste disposal without an approved Certificate of Designation (a landfill permit). The Colorado Hazardous Waste Act C.R.S. 25-15-301 et al, and the Colorado Hazardous Waste Regulations (6 CCR 1007-3) prohibit the transfer, storage or disposal (TSD) of hazardous waste except at permitted TSD sites. There are no permitted landfills or TSD sites within the State Highway Right of Way. Therefore, all solid or hazardous wastes that might be generated by the activities of entities entering the State Highway Right of Way must be removed from the ROW and disposed of at a permitted facility or designated collection point (e.g., for solid waste, a utility or construction company's own dumpster). If pre-existing solid waste or hazardous materials contamination (including oil or gasoline contaminated soil, asbestos, chemicals, mine tailings, etc.) is encountered during the performance of work, the permittee shall halt work in the affected area and immediately contact the CDOT Regional Permitting Office for direction as to how to proceed. **Contact Info:** Contact the CDOT/CDPHE Liaison at (303)757-9787.

**Asbestos Containing Materials, Asbestos Contaminated Soil** – All work on asbestos containing materials (ACM) must comply with the applicable requirements of the CDPHE Air Pollution Control Division's (APCD) Regulation 8. Disposal of ACM, and work done in asbestos-contaminated soil, must comply with the CDHPE Hazardous Materials and Waste Management Division's (HMWMD) Solid Waste Regulations. The application for any CDOT permit must specifically identify any ACM involved in the work for which authorization is being requested. Additional guidance or requirements may be specified in the permit special provisions. **Contact Info:** CDPHE APCD and HMWMD Regulations can be accessed via the CDPHE Environmental Permitting Website listed above. Additional information **concerning clearance on CDOT projects** is available from Julia Horn, CDOT Asbestos Project Manager (303) 512-5519, or Theresa Santangelo-Dreiling, Property Management Supervisor (303) 512-5524.

**Construction Stormwater Permit; Stormwater Discharge From Industrial Facilities** - Discharges of stormwater runoff from construction sites disturbing one acre or more - or certain types of industrial facilities - requires a CDPS Stormwater Permit. **Contact Information:** For Utility/Special Use activities being performed in conjunction and coordination with a CDOT highway construction contract, please contact the CDOT Water Quality Program Manager at (303) 757-9343. Otherwise, contact the CDPHE Water Quality Control Division at (303) 692-3500. Website: <http://www.cdphe.state.co.us/wq/PermitsUnit/wqcdpmt.html>

**Construction Dewatering (Discharge or Infiltration)** – Discharges of water encountered during excavation or work in wet areas may require a Construction Dewatering Discharge Permit. **Contact Information:** For Construction Dewatering Discharge Permits, contact the CDPHE WQCD at (303) 692-3500. Website: <http://www.cdphe.state.co.us/wq/PermitsUnit/wqcdpmt.html>

**Minimal Industrial Discharge Permit** – Discharges of small quantities of wastewater or wastewater requiring minimal treatment, such as that resulting from hydrostatic testing or certain wash waters, may require a Minimal Industrial Discharge Permit ("MINDI"). **Contact Info:** Contact the CDPHE WQCD at (303) 692-3500. Website: <http://www.cdphe.state.co.us/wq/PermitsUnit/wqcdpmt.html>

**Municipal Separate Storm Sewer System (MS4) Discharge Permit** – Discharges from the storm sewer systems of larger municipalities, and from the CDOT highway drainage system that lies within those municipalities, are subject to MS4 Permits issued by the CDPHE WQCD. For facilities that lie within the boundaries of a municipality that is subject to a MS4 permit, the owner of such facility should contact the municipality regarding stormwater related clearances that may have been established under that municipality's MS4 permit. All discharges to the CDOT highway drainage system must comply with the applicable provisions of the Colorado Water Quality Control Act and the Colorado Discharge Permit Regulations, and are subject to inspection by the CDOT and the CDHPE. **Contact Information:** Contact the CDPHE Water Quality Control Division at (303) 692-3500 for a listing of municipalities required to obtain MS-4 Permits, or go to <http://www.cdphe.state.co.us/wq/PermitsUnit/wqcdpmt.html#MunicipalFormsGuidance>.

**Discharge of Dredged or Fill Material – 404 Permits Administered By the U.S. Army Corps of Engineers, and Section 401 Water Quality Certifications Issued by the CDPHE WQCD** - Corps of Engineers 404 Permits are required for the discharge of dredged or fill materials into waters of the United States, including wetlands. There are various types of 404 Permits, including Nationwide Permits, which are issued for activities with relatively minor impacts. For example, there is a Nationwide Permit for Utility Line Activities (NWP #12). However, depending upon the specific circumstances, it is possible that either a "General" or "Individual" 404 permit would be required. If an Individual 404 Permit is required, Section 401 water quality certification from the CDPHE WQCD is also required. **Contact Information:** Contact the appropriate Corps District Regulatory Office for information about what type of 404 permit may be required (information provided at top of ECIS). Contact the CDPHE Water Quality Control Division at (303) 692-3500.

**Erosion and Sediment Control Practices** - For activities requiring a Construction Stormwater Permit, erosion control requirements will be specified through that permit. In those situations where a stormwater permit is not required, all reasonable measures should be taken in order to minimize erosion and sedimentation. In either case, the CDOT Stormwater Quality and Erosion Control Guide (2002) should be used to design erosion controls. **Contact Information:** The CDOT Stormwater Quality and Erosion Control Guide may be obtained from the Bid Plans Office at (303) 757-9313 or from: <http://www.dot.state.co.us/environmental/envWaterQual/wqms4.asp>

**Disposal of Drilling Fluids** - Drilling fluids used in operations such as Horizontal Directional Drilling may be classified as "discharges" or "solid wastes", and in general, should be pumped or vacuumed from the construction area, removed from the State Highway Right of Way, and disposed of at permitted facilities that specifically accept such wastes. Disposal of drilling fluids into storm drains, storm sewers, roadside ditches or any other type of man-made or natural waterway is prohibited by Water Quality Control and/or Solid Waste regulations. Small quantities of drilling fluid solids (less than 1 cubic yard of solids) may be left on-site after either being separated from fluids or after infiltration of the water, provided: 1) the drilling fluid consists of only water and bentonite clay, or, if required for proper drilling properties, small quantities of polymer additives that are approved for use in drinking water well drilling; 2) the solids are fully contained in a pit, and are not likely to pose a nuisance to future work in the area, 3) the solids are covered and the area restored as required by CDOT permit requirements (Utility, Special Use, or Access Permits, etc.). **Contact Information:** Contact the CDOT / CDPHE Liaison or CDOT Water Quality Program Manager.

**Concrete Washout** - Waste generated from concrete activities shall NOT be allowed to flow into the drainage ways, inlets, receiving waters, or in the CDOT ROW. Concrete waste shall be placed in a temporary concrete washout facility. Concrete washout shall only be performed as specified by the CDOT Environmental Program and shall be in accordance to CDOT specifications and guidelines. **Contact Information:** Contact the CDOT Water Quality Program Manager at (303) 757-9343.

**Spill Reporting** - Spills shall be contained and cleaned up as soon as possible. Spills shall NOT be washed down into the storm drain or buried. All spills shall be reported to the CDOT Illicit Discharge Hotline at (303) 512-4446 (4H20), as well as the Regional Permitting Office and Regional Maintenance Supervisor. Spills on highways, into waterways, or that may otherwise present an

immediate danger to the public shall be reported by calling 911, and shall also be reported to the CDPHE at 1-(877)-518-5608.

**Transportation of Hazardous Materials** - No person may offer or accept a hazardous material for transportation in commerce unless that person is registered in conformance with the United States Department of Transportation regulations at 49 CFR, Part 171. The hazardous material must be properly classed, described, packaged, marked, labeled, and in condition for shipment as required or authorized by applicable requirements, or an exemption, approval or registration has been issued. Vehicles requiring a placard, must obtain authorization and a State HAZMAT Permit from the Colorado Public Utilities Commission. **Contact Information:** For authorization and more info call the Federal Motor Safety Carrier Administration, US DOT for inter- and intra-state HAZMAT Registration (303) 989-6748. Colorado Public Utilities Commission: (303) 894-2668.

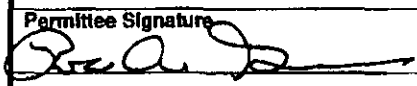
**Paleontology** - The applicant must request a fossil locality file search through the University of Colorado Museum, Boulder, and the Denver Museum of Nature and Science to ascertain if paleontological resources have been previously identified. Inventory of the permit area by a qualified paleontologist may be necessary, per the recommendation of CDOT. If fossils are encountered during the permitted work, all work in the subject area shall be halted and the CDOT Regional Permitting Office and Regional Planning and Environmental Manager shall be contacted immediately. Authorization must be provided by CDOT prior to the continuation of work. Additional guidance may be provided by the Regional Permitting Office in the Permit Special Provisions. **Contact Information:** Contact the CDOT Paleontologist at (303) 757-9632.


**Working on or in any stream or its bank** - In order to protect and preserve the state's fish and wildlife resources from actions that may obstruct, diminish, destroy, change, modify, or vary a natural existing stream or its banks or tributaries, it may be necessary to obtain a Senate Bill 40 certification from the Colorado Department of Natural Resources. A stream is defined as 1) represented by a solid blue line on USGS 7.5' quadrangle maps; and/or 2) intermittent streams providing live water beneficial to fish and wildlife; and/or 3) segments of streams supporting 25% or more cover within 100 yards upstream or downstream of the project; and/or 4) segments of streams having wetlands present within 200 yards upstream or downstream of the project. The Colorado Division of Wildlife (CDOW) application, as per guidelines agreed upon by CDOT and CDOW, can be accessed at [www.dot.state.co.us/environmental/wildlife/permitapplication.asp](http://www.dot.state.co.us/environmental/wildlife/permitapplication.asp).

**About This Form** - Questions or comments about this Information Summary may be directed to Dahir Egal, CDOT Safety & Traffic Engineering, Utilities Unit, at (303) 757-9344, [dahir.egal@dot.state.co.us](mailto:dahir.egal@dot.state.co.us)

<b>COLORADO DEPARTMENT OF TRANSPORTATION STATE HIGHWAY ACCESS PERMIT</b>			CDOT Permit No. <b>309040</b>
PD 14J			State Highway No/Mp/Side 006 D / 109.800 / L
Permit fee \$100.00	Date of transmittal 7/7/2009	Region/Section/Patrol 3 / 02 / 10-2 Nikki Brown	Local Jurisdiction Garfield County

The Permittee(s); Roc & Mary Gabossi		Date of transmittal JUL 14 2009		Applicant: John Taufer		Ref No.:	
44523 Highway 6 Glenwood Springs, CO 81601 970-379-0780		<b>TRAFFIC</b>		PO Box 2271 Glenwood Springs, CO 81602 970-945-1337			
is hereby granted permission to have an access to the state highway at the location noted below. The access shall be constructed, maintained and used in accordance with this permit, including the State Highway Access Code and any attachments, terms, conditions and exhibits. This permit may be revoked by the issuing authority if at any time the permitted access and its use violate any parts of this permit. The issuing authority, the Department and their duly appointed agents and employees shall be held harmless against any action for personal injury or property damage sustained by reason of the exercise of the permit.							
Location: Located on the north side of Hwy 006, a distance of 1050 feet west of mm 110.							
Access to Provide Service to:		(Land Use Code:)	(Size or Count)	(Units)			
210 - Single-Family Detached Housing (4 units) w/ADU			8	DHV			
Additional Information: This access will be for Lot 1-4 of the Old Orchard Subdivision. ADU - Accessory Dwelling Units							

<b>MUNICIPALITY OR COUNTY APPROVAL</b> Required only when the appropriate local authority retains issuing authority.			
Signature	Print Name	Title	Date
Upon the signing of this permit the permittee agrees to the terms and conditions and referenced attachments contained herein. All construction shall be completed in an expeditious and safe manner and shall be finished within 45 days from initiation. The permitted access shall be completed in accordance with the terms and conditions of the permit prior to being used.  The permittee shall notify D'Wayne Gaymon with the Colorado Department of Transportation in Grand Junction, Colorado at (970) 683-3355, at least 48 hours prior to commencing construction within the State Highway right-of-way.  The person signing as the permittee must be the owner or legal representative of the property served by the permitted access and have full authority to accept the permit and its terms and conditions.			
Permittee Signature 	Print Name Roc A. Gabossi		Date 7-13-09

This permit is not valid until signed by a duly authorized representative of the Department. COLORADO DEPARTMENT OF TRANSPORTATION			
Signature 	Print Name Daniel Rouss	Title Permit Manager	Date (of issue) 7-14-09



The following paragraphs are excerpts of the State Highway Access Code. These are provided for your convenience but do not alleviate compliance with all sections of the Access Code. A copy of the State Highway Access Code is available from your local issuing authority (local government) or the Colorado Department of Transportation (Department). When this permit was issued, the issuing authority made its decision based in part on information submitted by the applicant, on the access category which is assigned to the highway, what alternative access to other public roads and streets is available, and safety and design standards. Changes in use or design not approved by the permit or the issuing authority may cause the revocation or suspension of the permit.

#### APPEALS

1. Should the permittee or applicant object to the denial of a permit application by the Department or object to any of the terms or conditions of a permit placed there by the Department, the applicant and permittee (appellant) have a right to appeal the decision to the [Transportation] Commission [of Colorado]. To appeal a decision, submit a request for administrative hearing to the Transportation Commission of Colorado within 60 days of transmittal of notice of denial or transmittal of the permit for signature. Submit the request to the Transportation Commission of Colorado, 4201 East Arkansas Avenue, Denver, Colorado 80222-3400. The request shall include reasons for the appeal and may include changes, revisions, or conditions that would be acceptable to the permittee or applicant.
2. Any appeal by the applicant or permittee of action by a local issuing authority shall be filed with the local authority and be consistent with the appeal procedures of the local authority.
3. In submitting the request for administrative hearing, the appellant has the option of including within the appeal a request for a review by the Department's internal administrative review committee pursuant to [Code] subsection 2.10. When such committee review is requested, processing of the appeal for formal administrative hearing, 2.9(5) and (6), shall be suspended until the appellant notifies the Commission to proceed with the administrative hearing, or the appellant submits a request to the Commission or the administrative law judge to withdraw the appeal. The two administrative processes, the internal administrative review committee, and the administrative hearing, may not run concurrently.
4. Regardless of any communications, meetings, administrative reviews or negotiations with the Department or the internal administrative review Committee regarding revisions or objections to the permit or a denial, if the permittee or applicant wishes to appeal the Department's decision to the Commission for a hearing, the appeal must be brought to the Commission within 60 days of transmittal of notice of denial or transmittal of the permit.

#### PERMIT EXPIRATION

1. A permit shall be considered expired if the access is not under construction within one year of the permit issue date or before the expiration of any authorized extension. When the permittee is unable to commence construction within one year after the permit issue date, the permittee may request a one year extension from the issuing authority. No more than two one-year extensions may be granted under any circumstances. If the access is not under construction within three years from date of issue the permit will be considered expired. Any request for an extension must be in writing and submitted to the issuing authority before the permit expires. The request should state the reasons why the extension is necessary, when construction is anticipated, and include a copy of page 1 (face of permit) of the access permit. Extension approvals shall be in writing. The local issuing authority shall obtain the concurrence of the Department prior to the approval of an extension, and shall notify the Department of all denied extensions within ten days. Any person wishing to reestablish an access permit that has expired may begin again with the application procedures. An approved Notice to Proceed, automatically renews the access permit for the period of the Notice to Proceed.

#### CONSTRUCTION

1. Construction may not begin until a Notice to Proceed is approved. (Code subsection 2.4)
2. The construction of the access and its appurtenances as required by the terms and conditions of the permit shall be completed at the expense of the permittee except as provided in subsection 2.14. All materials used in the construction of the access within the highway right-of-way or on permanent easements, become public property. Any materials removed from the highway right-of-way will be disposed of only as directed by the Department. All fencing, guard rail, traffic control devices and other equipment and materials removed in the course of access construction shall be given to the Department unless otherwise instructed by the permit or the Department inspector.
3. The permittee shall notify the individual or the office specified on the permit or Notice to Proceed at least two working days prior to any construction within state highway right-of-way. Construction of the access shall not proceed until both the access permit and the Notice to Proceed are issued. The access shall be completed in an expeditious and safe manner and shall be finished within 45 days from initiation of construction within the highway right-of-way. A construction time extension not to exceed 30 working days may be requested from the individual or office specified on the permit.
4. The issuing authority and the Department may inspect the access during construction and upon completion of the access to ensure that all terms and conditions of the permit are met. Inspectors are authorized to enforce the conditions of the permit during construction and to halt any activities within state right-of-way that do not comply with the provisions of the permit, that conflict with concurrent highway construction or maintenance work, that endanger

State Highway Access Permit  
Form 101, Page 3

highway property, natural or cultural resources protected by law, or the health and safety of workers or the public.

5. Prior to using the access, the permittee is required to complete the construction according to the terms and conditions of the permit. Failure by the permittee to abide by all permit terms and conditions shall be sufficient cause for the Department or issuing authority to initiate action to suspend or revoke the permit and close the access. If in the determination of the Department or issuing authority the failure to comply with or complete the construction requirements of the permit create a highway safety hazard, such shall be sufficient cause for the summary suspension of the permit. If the permittee wishes to use the access prior to completion, arrangements must be approved by the issuing authority and Department and included in the permit. The Department or issuing authority may order a halt to any unauthorized use of the access pursuant to statutory and regulatory powers. Reconstruction or improvement of the access may be required when the permittee has failed to meet required specifications of design or materials. If any construction element fails within two years due to improper construction or material specifications, the permittee shall be responsible for all repairs. Failure to make such repairs may result in suspension of the permit and closure of the access.

6. The permittee shall provide construction traffic control devices at all times during access construction, in conformance with the M.U.T.C.D. as required by section 42-4-104, C.R.S., as amended.

7. A utility permit shall be obtained for any utility work within highway right-of-way. Where necessary to remove, relocate, or repair a traffic control device or public or private utilities for the construction of a permitted access, the relocation, removal or repair shall be accomplished by the permittee without cost to the Department or issuing authority, and at the direction of the Department or utility company. Any damage to the state highway or other public right-of-way beyond that which is allowed in the permit shall be repaired immediately. The permittee is responsible for the repair of any utility damaged in the course of access construction, reconstruction or repair.

8. In the event it becomes necessary to remove any right-of-way fence, the posts on either side of the access shall be securely braced with an approved end post before the fence is cut to prevent any slacking of the remaining fence. All posts and wire removed are Department property and shall be turned over to a representative of the Department.

9. The permittee shall ensure that a copy of the permit is available for review at the construction site at all times. The permit may require the contractor to notify the individual or office specified on the permit at any specified phases in construction to allow the field inspector to inspect various aspects of construction such as concrete forms, subbase, base course compaction, and materials specifications. Minor changes and additions may be ordered by the Department or local authority field inspector to meet unanticipated site conditions.

10. Each access shall be constructed in a manner that shall not cause water to enter onto the roadway or shoulder, and shall not interfere with the existing drainage system on the right-of-way or any adopted municipal system and drainage plan.

11. The Permittee is responsible for obtaining any necessary additional Federal, State and/or City/County permits

or clearances required for construction of the access. Issuance of this access permit does not constitute verification of the above required actions by the Permittee.

By accepting the permit, the permittee stipulates and agrees to fully protect, save, defend, indemnify, and hold harmless, to the extent allowed by law, the issuing Authority, and each of the Authority's directors, officers, employees, agents and representatives, from and against any and all claims, costs (including but not limited to all reasonable fees and charges of engineers, architects, attorneys, and other professionals or expert witnesses and all court or other dispute resolution costs directly incurred by reason of claims directly brought against the Authority), losses, damages, pre- or post-judgment interest, causes of action, suits, or liability of any nature whatsoever by reason of liability imposed due to Permittee's failure to obtain, or disregard of, any applicable federal, state or local environmental permits, approvals, authorizations, or clearances, or in meeting or complying with any applicable federal, state or local environmental law, regulation, condition or requirements in connection with any activities authorized by this Access Permit.

#### CHANGES IN ACCESS USE AND PERMIT VIOLATIONS

1. It is the responsibility of the property owner and permittee to ensure that the use of the access to the property is not in violation of the Code, permit terms and conditions or the Act. The terms and conditions of any permit are binding upon all assigns, successors-in-interest, heirs and occupants. If any significant changes are made or will be made in the use of the property which will affect access operation, traffic volume and or vehicle type, the permittee or property owner shall contact the local issuing authority or the Department to determine if a new access permit and modifications to the access are required.

2. When an access is constructed or used in violation of the Code, section 43-2-147(5)(c), C.R.S., of the Act applies. The Department or issuing authority may summarily suspend an access permit and immediately order closure of the access when its continued use presents an immediate threat to public health, welfare or safety. Summary suspension shall comply with article 4 of title 24, C.R.S.

#### MAINTENANCE

1. The permittee, his or her heirs, successors-in-interest, assigns, and occupants of the property serviced by the access shall be responsible for meeting the terms and conditions of the permit, the repair and maintenance of the access beyond the edge of the roadway including any cattle guard and gate, and the removal or clearance of snow or ice upon the access even though deposited on the access in the course of Department snow removal operations. Within unincorporated areas the Department will keep access culverts clean as part of maintenance of the highway drainage system. However, the permittee is responsible for the repair and replacement of any access-related culverts within the right-of-way. Within incorporated areas, drainage responsibilities for municipalities are determined by statute and local ordinance. The Department will maintain the roadway including auxiliary lanes and shoulders, except in those cases where the access installation has failed due to improper access construction and/or failure to follow permit requirements and specifications in which case the permittee shall be responsible for such repair. Any significant repairs such as culvert replacement, resurfacing, or changes in design or specifications, requires authorization from the Department.



SCHMUESER | GORDON | MEYER  
ENGINEERS & SURVEYORS

GLENWOOD SPRINGS	ASPEN	CRESTED BUTTE
118 W. 6TH, SUITE 200	P.O. BOX 2155	P.O. BOX 3088
GLENWOOD SPRINGS, CO 81601	ASPEN, CO 81612	CRESTED BUTTE, CO 81224
970-945-1004	970-925-6727	970-349-5355
FX: 970-945-5948	FX: 970-925-4157	FX: 970-349-5358

August 10, 2009

Mr. Dan Roussin  
Colorado Department of Transportation  
Region 3 – Access Manager  
222 South 6<sup>th</sup> Street, Room 100  
Grand Junction, CO 81501

RE: Request for Notice-to-Proceed  
State Highway Access Permit No. 309040, Lot 1-4 of the Old Orchard Subdivision  
MP 109.8 US Highway 6 – Garfield County

Dear Dan:

The permittees wish to begin construction on the above referenced access point on September 8, 2009. The project is anticipated to last approximately two weeks. Attached to this letter requesting the NTP are the design plans for the access construction including plan, profile, typical section, and traffic control details. The package also contains the signed access permit and the engineer's estimate. The Certificate of Liability, construction schedule, and the Traffic Control Plan will be submitted to the department upon the selection of a contractor.

The access point will ultimately provide access for up to 4 homes and is located along the highway with open sight lines in both directions along US 6. The sight lines were measured and exceed the 550' entering sight distance standard for this access. The photos below are taken from the proposed access point at MP 109.8.



Looking westbound at MP 109.8



Looking eastbound at MP 109.8

The permittee proposes to use the materials recommendation contained in the permit for the driveway pavement section. The existing access to be abandoned will be revegetated and the gate will be replaced with fence. We look forward to your response and permission to proceed. Please contact us if you have any questions.

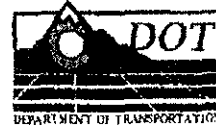
Sincerely,

Lee Barger  
SGM Design Engineer

Attachments

# STATE OF COLORADO

Region 3 Traffic Section  
222 S. Sixth St., Room 100  
Grand Junction, Colorado 81501  
(970) 683-6284 Fax:(970) 683-6290



July 15, 2009

John Taufer  
PO Box 2271  
Glenwood Springs, CO 81602

**RE: State Highway Access Permit No. 309040, Located on Highway 006, Milepost 109.8,  
in Garfield County.**

Dear Permittee or Applicant:

The Colorado Department of Transportation (CDOT) has received your signed permit and application fee. A copy of the issued permit is enclosed. The next step in the CDOT access permitting process is for you (Applicant) to obtain a Notice to Proceed (NTP). *Failure to obtain an approved Notice to Proceed prior to any construction will be a violation of the State Highway Access Code (2 CCR 601-1, "the Code") § 2.4.*

### Notice to Proceed Information

Well in advance of construction, the Applicant shall request a NTP in writing along with submitting other items, such as construction drawings, specifications, and other required documents to CDOT. The Applicant must submit a complete packet of this information to CDOT with their written request. If the Applicant chooses not to request the NTP, the permit expires pursuant to subsection 2.3(11)(d).

CDOT has seven days to determine if the NTP submittal is complete for review and then notify the applicant of any deficiencies. If complete, CDOT will review and comment on the submitted information within 30-days. If CDOT determines the information is unacceptable, missing, or in need of correction, the Applicant shall correct their submittal and resubmit the complete request for NTP.

Once resubmitted, CDOT will review the revised NTP documents within 10-days. If the revised documents are satisfactory, CDOT will issue a NTP. If further corrections are necessary, the cycle of submittal, review and comments will repeat itself until approval is granted and the NTP is issued.

The request for NTP shall include the following documents, along with any other items specified in the Terms and Conditions of your permit:

- 1) Cover Letter Requesting a NTP (include firm name, PE name and contact number)
- 2) Traffic Control Plan (2 copies)

The traffic control plan must be:

- A. Consistent with CDOT Standard Plans Manual for Maintenance and Signing
- B. Consistent with the MUTCD
- C. Prepared by individual with American Traffic Safety Services Association (ATSSA) or Colorado Contractors Association certification – or sealed (stamped) by a Colorado registered professional engineer
- D. Acceptable to CDOT prior to any construction within the right-of-way
- E. Presented in a manner that provides a method of handling traffic (MHT) for each different phase of construction. The MHT will describe proposed construction phasing and will include dimensioned diagrams of work zone elements.

The final traffic control plan must be submitted a minimum of three working days in advance of construction. Such plans may be revised as necessary with CDOT concurrence.

3) **Insurance Liability Certification**

The Applicant or contractor shall be required to provide a comprehensive general liability and property damage insurance naming CDOT as an additional insured party, in the amounts of not less than \$1,000,000 per occurrence and automobile liability insurance of \$1,000,000 combined single limit bodily injury and property damage for each accident, during the period of access construction.

4) **Complete Construction Plans**

The Applicant shall provide two copies of 11" x 17" construction plans and specifications for the proposed improvements. The plans shall:

- A. Address, as applicable, geometry, drainage, striping, signing, and signalization
- B. Include, but not limited to, layout of the access, highway improvements, utility locations, present and proposed drainage, present and proposed right-of-way lines, present and proposed traffic control devices, and clear zone analysis
- C. Sealed by a Colorado Professional Engineer in accordance with CRS 12-25-117
- D. Conform to the requirement of the permit terms and conditions
- E. If applicable, include the following statement on the cover page of the plans: "This design is in full compliance with Section 4 of the State Highway Access Code, 2 CCR 601-1 except for the following approved design waivers:"

Feel free to contact me with any questions you might have.

Respectfully,

Dan Roussin  
Region 3 Access Manager

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<b>COLORADO DEPARTMENT OF TRANSPORTATION STATE HIGHWAY ACCESS PERMIT</b>			CDOT Permit No. <b>309040</b>
RD 101			State Highway No/Mp/Side 006 D / 109.800 / L
Permit fee <b>\$100.00</b>	Date of transmittal <b>7/7/2009</b>	Region/Section/Patrol <b>3 / 02 / 10-2 Nikki Brown</b>	Local Jurisdiction <b>Garfield County</b>


<b>REGION 3</b>		Ref No.:	
The Permittee(s): <b>Roc &amp; Mary Gabossi</b>	<b>JUL 14 2009</b>	Applicant: <b>John Taufer</b>	
<b>44523 Highway 6 Glenwood Springs, CO 81601 970-379-0780</b>	<b>TRAFFIC</b>	<b>PO Box 2271 Glenwood Springs, CO 81602 970-945-1337</b>	
is hereby granted permission to have an access to the state highway at the location noted below. The access shall be constructed, maintained and used in accordance with this permit, including the State Highway Access Code and any attachments, terms, conditions and exhibits. This permit may be revoked by the issuing authority if at any time the permitted access and its use violate any parts of this permit. The issuing authority, the Department and their duly appointed agents and employees shall be held harmless against any action for personal injury or property damage sustained by reason of the exercise of the permit.			
Location: Located on the north side of Hwy 006, a distance of 1050 feet west of mm 110.			
Access to Provide Service to:	(Land Use Code):	(Size or Count)	(Units)
<b>210 - Single-Family Detached Housing (4 units) w/ADU</b>		<b>8</b>	<b>DHV</b>
Additional Information: This access will be for Lot 1-4 of the Old Orchard Subdivision. ADU - Accessory Dwelling Units			

<b>MUNICIPALITY OR COUNTY APPROVAL</b> Required only when the appropriate local authority retains issuing authority.			
Signature	Print Name	Title	Date

Upon the signing of this permit the permittee agrees to the terms and conditions and referenced attachments contained herein. All construction shall be completed in an expeditious and safe manner and shall be finished within 45 days from initiation. The permitted access shall be completed in accordance with the terms and conditions of the permit prior to being used.


The permittee shall notify D'Wayne Gaymon with the Colorado Department of Transportation in Grand Junction, Colorado at (970) 683-3355, at least 48 hours prior to commencing construction within the State Highway right-of-way.

The person signing as the permittee must be the owner or legal representative of the property served by the permitted access and have full authority to accept the permit and its terms and conditions.

Permittee Signature 	Print Name <b>Roc A. Gabossi</b>	Date <b>7-13-09</b>
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This permit is not valid until signed by a duly authorized representative of the Department.

**COLORADO DEPARTMENT OF TRANSPORTATION**

Signature 	Print Name <b>Daniel Roussin</b>	Title <b>Permit Manager</b>	Date (of issue) <b>7-14-09</b>
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The following paragraphs are excerpts of the State Highway Access Code. These are provided for your convenience but do not alleviate compliance with all sections of the Access Code. A copy of the State Highway Access Code is available from your local issuing authority (local government) or the Colorado Department of Transportation (Department). When this permit was issued, the issuing authority made its decision based in part on information submitted by the applicant, on the access category which is assigned to the highway, what alternative access to other public roads and streets is available, and safety and design standards. Changes in use or design not approved by the permit or the issuing authority may cause the revocation or suspension of the permit.

#### APPEALS

1. Should the permittee or applicant object to the denial of a permit application by the Department or object to any of the terms or conditions of a permit placed there by the Department, the applicant and permittee (appellant) have a right to appeal the decision to the [Transportation] Commission [of Colorado]. To appeal a decision, submit a request for administrative hearing to the Transportation Commission of Colorado within 60 days of transmittal of notice of denial or transmittal of the permit for signature. Submit the request to the Transportation Commission of Colorado, 4201 East Arkansas Avenue, Denver, Colorado 80222-3400. The request shall include reasons for the appeal and may include changes, revisions, or conditions that would be acceptable to the permittee or applicant.

2. Any appeal by the applicant or permittee of action by a local issuing authority shall be filed with the local authority and be consistent with the appeal procedures of the local authority.

3. In submitting the request for administrative hearing, the appellant has the option of including within the appeal a request for a review by the Department's internal administrative review committee pursuant to [Code] subsection 2.10. When such committee review is requested, processing of the appeal for formal administrative hearing, 2.9(5) and (6), shall be suspended until the appellant notifies the Commission to proceed with the administrative hearing, or the appellant submits a request to the Commission or the administrative law judge to withdraw the appeal. The two administrative processes, the internal administrative review committee, and the administrative hearing, may not run concurrently.

4. Regardless of any communications, meetings, administrative reviews or negotiations with the Department or the internal administrative review Committee regarding revisions or objections to the permit or a denial, if the permittee or applicant wishes to appeal the Department's decision to the Commission for a hearing, the appeal must be brought to the Commission within 60 days of transmittal of notice of denial or transmittal of the permit.

#### PERMIT EXPIRATION

1. A permit shall be considered expired if the access is not under construction within one year of the permit issue date or before the expiration of any authorized extension. When the permittee is unable to commence construction within one year after the permit issue date, the permittee may request a one year extension from the issuing authority. No more than two one-year extensions may be granted under any circumstances. If the access is not under construction within three years from date of issue the permit will be considered expired. Any request for an extension must be in writing and submitted to the issuing authority before the permit expires. The request should state the reasons why the extension is necessary, when construction is anticipated, and include a copy of page 1 (face of permit) of the access permit. Extension approvals shall be in writing. The local issuing authority shall obtain the concurrence of the Department prior to the approval of an extension, and shall notify the Department of all denied extensions within ten days. Any person wishing to reestablish an access permit that has expired may begin again with the application procedures. An approved Notice to Proceed, automatically renews the access permit for the period of the Notice to Proceed.

#### CONSTRUCTION

1. Construction may not begin until a Notice to Proceed is approved. (Code subsection 2.4)

2. The construction of the access and its appurtenances as required by the terms and conditions of the permit shall be completed at the expense of the permittee except as provided in subsection 2.14. All materials used in the construction of the access within the highway right-of-way or on permanent easements, become public property. Any materials removed from the highway right-of-way will be disposed of only as directed by the Department. All fencing, guard rail, traffic control devices and other equipment and materials removed in the course of access construction shall be given to the Department unless otherwise instructed by the permit or the Department inspector.

3. The permittee shall notify the individual or the office specified on the permit or Notice to Proceed at least two working days prior to any construction within state highway right-of-way. Construction of the access shall not proceed until both the access permit and the Notice to Proceed are issued. The access shall be completed in an expeditious and safe manner and shall be finished within 45 days from initiation of construction within the highway right-of-way. A construction time extension not to exceed 30 working days may be requested from the individual or office specified on the permit.

4. The issuing authority and the Department may inspect the access during construction and upon completion of the access to ensure that all terms and conditions of the permit are met. Inspectors are authorized to enforce the conditions of the permit during construction and to halt any activities within state right-of-way that do not comply with the provisions of the permit, that conflict with concurrent highway construction or maintenance work, that endanger

Slate Highway Access Permit  
Form 101, Page 3

highway property, natural or cultural resources protected by law, or the health and safety of workers or the public.

5. Prior to using the access, the permittee is required to complete the construction according to the terms and conditions of the permit. Failure by the permittee to abide by all permit terms and conditions shall be sufficient cause for the Department or issuing authority to initiate action to suspend or revoke the permit and close the access. If in the determination of the Department or issuing authority the failure to comply with or complete the construction requirements of the permit create a highway safety hazard, such shall be sufficient cause for the summary suspension of the permit. If the permittee wishes to use the access prior to completion, arrangements must be approved by the issuing authority and Department and included in the permit. The Department or issuing authority may order a halt to any unauthorized use of the access pursuant to statutory and regulatory powers. Reconstruction or improvement of the access may be required when the permittee has failed to meet required specifications of design or materials. If any construction element fails within two years due to improper construction or material specifications, the permittee shall be responsible for all repairs. Failure to make such repairs may result in suspension of the permit and closure of the access.

6. The permittee shall provide construction traffic control devices at all times during access construction, in conformance with the M.U.T.C.D. as required by section 42-4-104, C.R.S., as amended.

7. A utility permit shall be obtained for any utility work within highway right-of-way. Where necessary to remove, relocate, or repair a traffic control device or public or private utilities for the construction of a permitted access, the relocation, removal or repair shall be accomplished by the permittee without cost to the Department or issuing authority, and at the direction of the Department or utility company. Any damage to the state highway or other public right-of-way beyond that which is allowed in the permit shall be repaired immediately. The permittee is responsible for the repair of any utility damaged in the course of access construction, reconstruction or repair.

8. In the event it becomes necessary to remove any right-of-way fence, the posts on either side of the access shall be securely braced with an approved end post before the fence is cut to prevent any slacking of the remaining fence. All posts and wire removed are Department property and shall be turned over to a representative of the Department.

9. The permittee shall ensure that a copy of the permit is available for review at the construction site at all times. The permit may require the contractor to notify the individual or office specified on the permit at any specified phases in construction to allow the field inspector to inspect various aspects of construction such as concrete forms, subbase, base course compaction, and materials specifications. Minor changes and additions may be ordered by the Department or local authority field inspector to meet unanticipated site conditions.

10. Each access shall be constructed in a manner that shall not cause water to enter onto the roadway or shoulder, and shall not interfere with the existing drainage system on the right-of-way or any adopted municipal system and drainage plan.

11. The Permittee is responsible for obtaining any necessary additional Federal, State and/or City/County permits

or clearances required for construction of the access. Issuance of this access permit does not constitute verification of the above required actions by the Permittee.

By accepting the permit, the permittee stipulates and agrees to fully protect, save, defend, indemnify, and hold harmless, to the extent allowed by law, the issuing Authority, and each of the Authority's directors, officers, employees, agents and representatives, from and against any and all claims, costs (including but not limited to all reasonable fees and charges of engineers, architects, attorneys, and other professionals or expert witnesses and all court or other dispute resolution costs directly incurred by reason of claims directly brought against the Authority), losses, damages, pre- or post-judgment interest, causes of action, suits, or liability of any nature whatsoever by reason of liability imposed due to Permittee's failure to obtain, or disregard of, any applicable federal, state or local environmental permits, approvals, authorizations, or clearances, or in meeting or complying with any applicable federal, state or local environmental law, regulation, condition or requirements in connection with any activities authorized by this Access Permit.

#### CHANGES IN ACCESS USE AND PERMIT VIOLATIONS

1. It is the responsibility of the property owner and permittee to ensure that the use of the access to the property is not in violation of the Code, permit terms and conditions or the Act. The terms and conditions of any permit are binding upon all assigns, successors-in-interest, heirs and occupants. If any significant changes are made or will be made in the use of the property which will affect access operation, traffic volume and or vehicle type, the permittee or property owner shall contact the local issuing authority or the Department to determine if a new access permit and modifications to the access are required.

2. When an access is constructed or used in violation of the Code, section 43-2-147(5)(c), C.R.S., of the Act applies. The Department or issuing authority may summarily suspend an access permit and immediately order closure of the access when its continued use presents an immediate threat to public health, welfare or safety. Summary suspension shall comply with article 4 of title 24, C.R.S.

#### MAINTENANCE

1. The permittee, his or her heirs, successors-in-interest, assigns, and occupants of the property serviced by the access shall be responsible for meeting the terms and conditions of the permit, the repair and maintenance of the access beyond the edge of the roadway including any cattle guard and gate, and the removal or clearance of snow or ice upon the access even though deposited on the access in the course of Department snow removal operations. Within unincorporated areas the Department will keep access culverts clean as part of maintenance of the highway drainage system. However, the permittee is responsible for the repair and replacement of any access-related culverts within the right-of-way. Within incorporated areas, drainage responsibilities for municipalities are determined by statute and local ordinance. The Department will maintain the roadway including auxiliary lanes and shoulders, except in those cases where the access installation has failed due to improper access construction and/or failure to follow permit requirements and specifications in which case the permittee shall be responsible for such repair. Any significant repairs such as culvert replacement, resurfacing, or changes in design or specifications, requires authorization from the Department.



## STATE HIGHWAY ACCESS PERMIT 309040

Located on the north side of Hwy 006D at mile post 109.800  
Issued to Roc Gabossi

July 7, 2009

### TERMS AND CONDITIONS

1. This permitted access is only for the use and purpose stated in the Application and Permit. This Permit is issued in accordance with the State Highway Access Code (2 CCR 601-1), and is based in part upon the information submitted by the Permittee. Any subsequent relocation, reconstruction, or modifications to the access or changes in the traffic volume or traffic nature using the access shall be requested for by means of a new application. Any changes causing non-compliance with the Access Code may render this permit void, requiring a new permit.
2. The access is for all lots of the Old Orchard Subdivision (Lots 1-4).
3. The existing access (mp 109.96) for Lot 1 (44523 Highway 6) shall remain until the Lot 1 either re-develops or if Lot 1 subdivides then the existing access shall close to Lot 1 and use the mp 109.8 access point.
4. If Lot 2-4 re-develops into a commercial property then existing access (mp 109.96) to Lot 1 shall be removed and restored to its original condition.
5. The permittee shall close an existing residential access which is 240 feet west of the existing residential driveway (Lot 1). The permittee shall remove the gate and replace the gate with a fence section and restore the drainage at the expense of the permittee.
6. This permit replaces any and all additional access permits that may be in existence.
7. This access shall be constructed 16-25 feet wide with turning radii to accommodate the minimum turning radius of the largest vehicle or 35 feet, whichever is greater.
8. An 18-inch minimum culvert with protective end treatments shall be required for this access. The culvert shall be kept free of blockage to maintain proper flow and drainage.
9. The access shall be constructed perpendicular to the travel lanes of the State Highway for a minimum distance of 40 feet from the edge of roadway. Side slopes shall be at a 4:1 slope on the roadway. The roadway shall slope away from the highway at a -2% grade for the first 20 feet of driveway. This design shall be in conformance with section 4 of the State Highway Access Code, 2CCR 601-1.
10. Materials, Placing and Compaction of Driveway: Unless the Applicant has approval from the Access Manager which may state otherwise, the following will be required for driveway construction: Sub-Base: 12 inches of Class 3 gravel in two 6-inch lifts, Base: 12 inches of class 6 gravel in two 6-inch lifts, Surface: 4 inches of Pavement in two 2 inch lifts. Compaction of the subgrade, embankments and backfill shall comply with section 203.08 of the Colorado Highway Standard Specifications for Road and Bridge Construction.
11. The access shall be surfaced in accordance with Section 4.7 of the Access Code immediately upon completion of earthwork construction and prior to use. This access shall be hard surfaced in accordance with Section 4.7 of the Access Code a minimum distance of 20 feet from the traveled way or to the CDOT Right-of-Way. Where the hard surface is to abut existing pavement, the existing pavement shall be saw cut and removed a minimum of one foot back from the existing edge for bituminous, or until an acceptable existing cross slope is achieved. Surfacing shall meet the Department's specifications with minimum surfacing to be equal to or greater than existing highway conditions.

**STATE HIGHWAY ACCESS PERMIT 309040**

Located on the north side of Hwy 006D at mile post 109.800  
Issued to Roc Gabossi

**July 7, 2009**

12. A Notice to Proceed, CDOT Form 1265, is required before beginning construction on the access or any activity within the highway Right-of-Way. To receive the Notice to Proceed the Applicant shall submit a complete packet to CDOT with the following items:
  - (a) A cover letter requesting a Notice to Proceed, and the intended date to begin construction.
  - (b) Construction Plans Stamped (11"x 17" with a minimum scale of 1" = 50') by a Colorado Registered Professional Engineer in full compliance with the State Highway Access Code. The plan shall provide:
    - i) Plan view with driveway dimensions - turn radius, width, slope, gates, etc.
    - ii) Typical road section - existing and proposed sub base, base, pavement, and shoulder dimensions.
    - iii) Centerline profile of the access/Hwy connection showing depths, driveway slope, etc.
  - (c) Certificate of Insurance Liability as per Section 2.3(11)(i) of the State Highway Access Code.
  - (d) A certified Traffic Control Plan in accordance with Section 2.4(6) of the Access Code. The Traffic Control Plan shall provide accessibility features to accommodate all pedestrians including persons with disabilities for all pathways during construction.
13. No drainage from this site shall enter onto the State Highway travel lanes. The Permittee is required to maintain all drainage in excess of historical flows and time of concentration on site. All existing drainage structures shall be extended, modified or upgraded, as applicable, to accommodate all new construction and safety standards, in accordance with the Department's standard specifications.
14. Open cuts, which are at least 4 inches in depth, within 30 feet of the edge of the State Highway traveled way, will not be left open at night, on weekends, or on holidays, or shall be protected with a suitable barrier per State and Federal Standards.
15. Nothing in this permit shall prohibit the Chief Engineer from exercising the right granted in CRS 43-3-102 including but not limited to restricting left hand turns by construction of physical medial separations.
16. The Permittee is responsible for obtaining any necessary additional Federal, State and/or City/County permits or clearances required for construction of the access. Approval of this access permit does not constitute verification of this action by the Permittee. Permittee is also responsible for obtaining all necessary utility permits in addition to this access permit.
17. All workers within the State Highway right of way shall comply with their employer's safety and health policies/procedures, and all applicable U.S. Occupational Safety and Health Administration (OSHA) regulations - including, but not limited to the applicable sections of 29 CFR Part 1910 - Occupational Safety and Health Standards and 29 CFR Part 1926 - Safety and Health Regulations for Construction. Personal protective equipment (e.g. head protection, footwear, high visibility apparel, safety glasses, hearing protection, respirators, gloves, etc.) shall be worn as appropriate for the work being performed, and as specified in regulation.
18. The Permittee shall provide accessibility features to accommodate all pedestrians including persons with disabilities for all pathways during and after construction.
19. The Permittee is required to comply with the Americans with Disabilities Act Accessibility Guidelines (ADAAG) that have been adopted by the U.S. Architectural and Transportation

**STATE HIGHWAY ACCESS PERMIT 309040**

**July 7, 2009**

Located on the north side of Hwy 006D at mile post 109.800  
Issued to Roc Gabossi

Barriers Compliance Board (Access Board), and incorporated by the U.S. Attorney General as a federal standard. These guidelines are defining traversable slope requirements and prescribing the use of a defined pattern of truncated domes as detectable warnings at street crossings. The new Standards Plans and can be found on the Design and Construction Project Support web page at: <http://www.dot.state.co.us/DesignSupport/>, then click on *Design Bulletins*.

20. When it is necessary to remove any highway right-of-way fence, the posts on either side of the access entrance shall be securely braced with approved end posts and in conformance with the Department's M-607-1 standard, before the fence is cut, to prevent slacking of the remaining fence. All materials removed shall be returned to the Department.
21. It shall be the responsibility of the Permittee to maintain adequate sight distance for this driveway. Trimming of vegetation or trees to maintain adequate sight distance is the sole responsibility of the Permittee.
22. Any damage to present highway facilities including traffic control devices shall be repaired immediately at no cost to the Department and prior to continuing other work.
23. During access construction no construction personnel vehicles will be permitted to park in the state highway right-of-way.
24. If the access has a gate across it, the gate shall be set back far enough from the highway so that the longest vehicle using it can clear the roadway when the gate is closed.
25. Any mud or other material tracked or otherwise deposited on the roadway shall be removed daily or as ordered by the Department inspector. If mud is an obvious condition during site construction, it is recommended that the contractor build a Stabilized Construction Entrance or Scrubber Pad at the intended construction access to aid in the removal of mud and debris from vehicle tires. The details of the Stabilized Construction Entrance can be found in the M & S Standards Plan No. M-208-1.
26. A fully executed, complete copy of this permit and the Notice to Proceed must be on the job site with the contractor at all times during the construction. Failure to comply with this or any other construction requirement may result in the immediate suspension of work by order of the Department inspector or the issuing authority.
27. No work will be allowed at night, Saturdays, Sundays and legal holidays without prior authorization from the Department. The Department may also restrict work within the State Highway right-of-way during adverse weather conditions.
28. The access shall be completed in an expeditious and safe manner and shall be completed within 45 days from initiation of construction within State Highway right-of-way or in accordance with written concurrence of the Access Manager. All construction shall be completed in a single season.
29. All costs associated with any type of utility work will be at the sole responsibility and cost of the Permittee and at no cost to CDOT.
30. Areas of roadway and/or right-of-way disturbed during this installation shall be restored to their original conditions to insure proper strength and stability, drainage and erosion control. Restoration shall meet the Department's standard specifications for topsoil, fertilization, mulching, and re-seeding.

**STATE HIGHWAY ACCESS PERMIT 309040**

Located on the north side of Hwy 006D at mile post 109.800  
Issued to Roc Gabossi

**July 7, 2009**

31. Upon the completion of the access and prior to any use as allowed by this permit, the Applicant shall notify the Access Manager by certified mail within 10 days to request a final inspection. This request shall include certification that all materials and construction have been completed in accordance with all applicable Department Standards and Specifications; and that the access is constructed in conformance with the State Highway Access Code, 2 CCR 601-1, including this permit. The Engineer of Record as indicated on the construction plans, shall be present for this inspection. The access serviced by this permit may not be opened to traffic until written approval has been given from the CDOT Access Manager.

## COLORADO DEPARTMENT OF TRANSPORTATION Environmental Clearances Information Summary

**PURPOSE** - This summary is intended to inform entities external to CDOT that may be entering the state highway right-of-way to perform work related to their own facilities (such as Utility, Special Use or Access Permittees), about some of the more commonly encountered environmental permits/clearances that may apply to their activities. This listing is not all-inclusive - additional environmental or cultural resource permits/clearances may be required in certain instances. Appropriate local, state and federal agencies should be contacted for additional information if there is any uncertainty about what permits/clearances are required for a specific activity. **IMPORTANT - Please Review The Following Information Carefully - Failure to Comply With Regulatory Requirements May Result in Suspension or Revocation of Your CDOT Permit, Or Enforcement Actions By Other Agencies**

**CLEARANCE CONTACTS** - As indicated in the permit/clearance descriptions listed below, the following individuals or agencies may be contacted for additional information:

- Colorado Department of Public Health and Environment (CDPHE) - General Information - (303) 692-2035  
Water Quality Control Division (WQCD) (303) 692-3500  
Environmental Permitting Website <http://www.cdpho.state.co.us/permits.asp>
- CDOT Water Quality Program Manager; Rick Willard (303) 757-9343
- CDOT Asbestos Project Manager; Julia Horn (303) 512-5519
- Colorado Office of Archaeology and Historic Preservation: (303) 866-3395
- U.S. Army Corps of Engineers, District Regulatory Offices  
Omaha District (NE Colorado), Denver Office (303) 979-4120 <http://www.nwp.usace.army.mil/html/od-11/tri-lakes.html>  
Sacramento Dist. (Western CO), Grand Junction Office (970) 243-1199 <http://www.spk.usace.army.mil/cespk-co/regulatory/>  
Albuquerque District (SE Colorado), Pueblo Reg. Office (719)-543-6915 <http://www.spa.usace.army.mil/reg/>
- CDOT Utilities, Special Use and Access Permitting: (303) 757-9854 <http://www.dot.state.co.us/Permits/>

**Ecological Resources** - Disturbance of wildlife shall be avoided to the maximum extent practicable. Entry into areas of known or suspected threatened or endangered species habitat will require special authorization from the CDOT permitting office. If any threatened or endangered species are encountered during the progress of the permitted work, work in the subject area shall be halted and the CDOT Regional Permitting Office and Regional Planning and Environmental Manager shall be contacted immediately. Authorization must be provided by CDOT prior to the continuation of work. Information about threatened or endangered species may be obtained from the CDOT website <http://www.dot.state.co.us/environmental/Wildlife/Guidelines.asp>, or the Colorado Division of Wildlife website <http://wildlife.state.co.us/WildlifeSpecies/SpeciesOfConcern/>. Additional guidance may be provided by the Regional Permitting Office in the Permit Special Provisions.

**Cultural Resources** - The applicant must request a file search of the permit area through the Colorado Office of Archaeology and Historic Preservation (OAH), Denver, to ascertain if historic or archaeological resources have previously been identified. Inventory of the permit area by a qualified cultural resources specialist may be necessary, per the recommendation of OAH and/or CDOT. If archaeological or historical artifacts are encountered during the progress of the permitted work, work in the subject area shall be halted and the CDOT Regional Permitting Office and Regional Planning and Environmental Manager shall be contacted immediately. Authorization must be provided by CDOT prior to the continuation of work. Additional guidance may be provided by the Regional Permitting Office in the Permit Special Provisions. **Contact Information** Contact the OAH at (303) 866-3395.

**General Prohibition - Discharges** - All discharges are subject to the provisions of the Colorado Water Quality Control Act and the Colorado Discharge Permit Regulations. Prohibited discharges include substances such as wash water, paint, automotive fluids, solvents, oils or soaps. **Contact Information:** Contact the CDOT Water Quality Program Manager at (303) 757-9343, or the Colorado Department of Public Health and Environment, Water Quality Control Division (WQCD) at (303) 692-3500.

**General Authorization - Allowable Non-Stormwater Discharges** - Unless otherwise identified by CDOT or the WQCD as significant sources of pollutants to the waters of the State, the following discharges to stormwater systems are allowed without a Colorado Discharge Permit System permit: landscape irrigation, diverted stream flows, uncontaminated ground water infiltration to separate storm sewers, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, footing drains, water line flushing, flows from riparian habitats and wetlands, and flow from fire fighting activities. **Contact Information:** The CDOT Water Quality Program Manager or the CDPHE Water Quality Control Division (telephone #'s listed above).

**Hazardous Materials, Solid Waste** - The Solid Wastes Disposal Sites and Facilities Act C.R.S. 30-20-100, et al, and Regulations Pertaining to Solid Waste Disposal Sites and Facilities (6 CCR 1007-2), prohibit solid waste disposal without an approved Certificate of Designation (a landfill permit). The Colorado Hazardous Waste Act C.R.S. 25-15-301 et al, and the Colorado Hazardous Waste Regulations (6 CCR 1007-3) prohibit the transfer, storage or disposal (TSD) of hazardous waste except at permitted TSD sites. There are no permitted landfills or TSD sites within the State Highway Right of Way. Therefore, all solid or hazardous wastes that might be generated by the activities of entities entering the State Highway Right of Way must be removed from the ROW and disposed of at a permitted facility or designated collection point (e.g., for solid waste, a utility or construction company's own dumpster). If pre-existing solid waste or hazardous materials contamination (including oil or gasoline contaminated soil, asbestos, chemicals, mine tailings, etc.) is encountered during the performance of work, the permittee shall halt work in the affected area and immediately contact the CDOT Regional Permitting Office for direction as to how to proceed. **Contact Info:** Contact the CDOT/CDPHE Liaison at (303)757-9787.

**Asbestos Containing Materials, Asbestos Contaminated Soil** – All work on asbestos containing materials (ACM) must comply with the applicable requirements of the CDPHE Air Pollution Control Division's (APCD) Regulation 8. Disposal of ACM, and work done in asbestos-contaminated soil, must comply with the CDPHE Hazardous Materials and Waste Management Division's (HMWMD) Solid Waste Regulations. The application for any CDOT permit must specifically identify any ACM involved in the work for which authorization is being requested. Additional guidance or requirements may be specified in the permit special provisions. **Contact Info:** CDPHE APCD and HMWMD Regulations can be accessed via the CDPHE Environmental Permitting Website listed above. Additional information concerning clearance on CDOT projects is available from Julia Horn, CDOT Asbestos Project Manager (303) 512-5519, or Theresa Santangelo-Dreiling, Property Management Supervisor (303) 512-5524.

**Construction Stormwater Permit: Stormwater Discharge From Industrial Facilities** - Discharges of stormwater runoff from construction sites disturbing one acre or more - or certain types of industrial facilities - requires a CDPS Stormwater Permit. **Contact Information:** For Utility/Special Use activities being performed in conjunction and coordination with a CDOT highway construction contract, please contact the CDOT Water Quality Program Manager at (303) 757-9343. Otherwise, contact the CDPHE Water Quality Control Division at (303) 692-3500. Website: <http://www.cdphe.state.co.us/wq/PermitsUnit/wqcdpmt.html>

**Construction Dewatering (Discharge or Infiltration)** – Discharges of water encountered during excavation or work in wet areas may require a Construction Dewatering Discharge Permit. **Contact Information:** For Construction Dewatering Discharge Permits, contact the CDPHE WQCD at (303) 692-3500. Website: <http://www.cdphe.state.co.us/wq/PermitsUnit/wqcdpmt.html>

**Minimal Industrial Discharge Permit** – Discharges of small quantities of wastewater or wastewater requiring minimal treatment, such as that resulting from hydrostatic testing or certain wash waters, may require a Minimal Industrial Discharge Permit ("MINDI"). **Contact Info:** Contact the CDPHE WQCD at (303) 692-3500. Website: <http://www.cdphe.state.co.us/wq/PermitsUnit/wqcdpmt.html>

**Municipal Separate Storm Sewer System (MS4) Discharge Permit** – Discharges from the storm sewer systems of larger municipalities, and from the CDOT highway drainage system that lies within those municipalities, are subject to MS4 Permits issued by the CDPHE WQCD. For facilities that lie within the boundaries of a municipality that is subject to a MS4 permit, the owner of such facility should contact the municipality regarding stormwater related clearances that may have been established under that municipality's MS4 permit. All discharges to the CDOT highway drainage system must comply with the applicable provisions of the Colorado Water Quality Control Act and the Colorado Discharge Permit Regulations, and are subject to inspection by the CDOT and the CDPHE. **Contact Information:** Contact the CDPHE Water Quality Control Division at (303) 692-3500 for a listing of municipalities required to obtain MS-4 Permits, or go to <http://www.cdphe.state.co.us/wq/PermitsUnit/wqcdpmt.html#MunicipalFormsGuidance>.

**Discharge of Dredged or Fill Material – 404 Permits Administered By the U.S. Army Corps of Engineers, and Section 401 Water Quality Certifications Issued by the CDPHE WQCD** - Corps of Engineers 404 Permits are required for the discharge of dredged or fill materials into waters of the United States, including wetlands. There are various types of 404 Permits, including Nationwide Permits, which are issued for activities with relatively minor impacts. For example, there is a Nationwide Permit for Utility Line Activities (NWP #12). However, depending upon the specific circumstances, it is possible that either a "General" or "Individual" 404 permit would be required. If an individual 404 Permit is required, Section 401 water quality certification from the CDPHE WQCD is also required. **Contact Information:** Contact the appropriate Corps District Regulatory Office for information about what type of 404 permit may be required (information provided at top of ECIS). Contact the CDPHE Water Quality Control Division at (303) 692-3500.

**Erosion and Sediment Control Practices** - For activities requiring a Construction Stormwater Permit, erosion control requirements will be specified through that permit. In those situations where a stormwater permit is not required, all reasonable measures should be taken in order to minimize erosion and sedimentation. In either case, the CDOT Stormwater Quality and Erosion Control Guide (2002) should be used to design erosion controls. **Contact Information:** The CDOT Stormwater Quality and Erosion Control Guide may be obtained from the Bid Plans Office at (303) 757-9313 or from: <http://www.dot.state.co.us/environmental/envWaterQual/wqms4.asp>

**Disposal of Drilling Fluids** - Drilling fluids used in operations such as Horizontal Directional Drilling may be classified as "discharges" or "solid wastes", and in general, should be pumped or vacuumed from the construction area, removed from the State Highway Right of Way, and disposed of at permitted facilities that specifically accept such wastes. Disposal of drilling fluids into storm drains, storm sewers, roadside ditches or any other type of man-made or natural waterway is prohibited by Water Quality Control and/or Solid Waste regulations. Small quantities of drilling fluid solids (less than 1 cubic yard of solids) may be left on-site after either being separated from fluids or after infiltration of the water, provided: 1) the drilling fluid consists of only water and bentonite clay, or, if required for proper drilling properties, small quantities of polymer additives that are approved for use in drinking water well drilling; 2) the solids are fully contained in a pit, and are not likely to pose a nuisance to future work in the area, 3) the solids are covered and the area restored as required by CDOT permit requirements (Utility, Special Use, or Access Permits, etc.). **Contact Information:** Contact the CDOT / CDPHE Liaison or CDOT Water Quality Program Manager.

**Concrete Washout** - Waste generated from concrete activities shall NOT be allowed to flow into the drainage ways, inlets, receiving waters, or in the CDOT ROW. Concrete waste shall be placed in a temporary concrete washout facility. Concrete washout shall only be performed as specified by the CDOT Environmental Program and shall be in accordance to CDOT specifications and guidelines. **Contact Information:** Contact the CDOT Water Quality Program Manager at (303) 757-9343.

**Spill Reporting** - Spills shall be contained and cleaned up as soon as possible. Spills shall NOT be washed down into the storm drain or buried. All spills shall be reported to the CDOT Illicit Discharge Hotline at (303) 512-4446 (4H2O), as well as the Regional Permitting Office and Regional Maintenance Supervisor. Spills on highways, into waterways, or that may otherwise present an

immediate danger to the public shall be reported by calling 911, and shall also be reported to the CDPHE at 1-(877)-518-5608.

**Transportation of Hazardous Materials** - No person may offer or accept a hazardous material for transportation in commerce unless that person is registered in conformance with the United States Department of Transportation regulations at 49 CFR, Part 171. The hazardous material must be properly classed, described, packaged, marked, labeled, and in condition for shipment as required or authorized by applicable requirements, or an exemption, approval or registration has been issued. Vehicles requiring a placard, must obtain authorization and a State HAZMAT Permit from the Colorado Public Utilities Commission. **Contact Information:** For authorization and more info call the Federal Motor Safety Carrier Administration, US DOT for Inter- and intra-state HAZMAT Registration (303) 989-6748. Colorado Public Utilities Commission: (303) 894-2868.

**Paleontology** - The applicant must request a fossil locality file search through the University of Colorado Museum, Boulder, and the Denver Museum of Nature and Science to ascertain if paleontological resources have been previously identified. Inventory of the permit area by a qualified paleontologist may be necessary, per the recommendation of CDOT. If fossils are encountered during the permitted work, all work in the subject area shall be halted and the CDOT Regional Permitting Office and Regional Planning and Environmental Manager shall be contacted immediately. Authorization must be provided by CDOT prior to the continuation of work. Additional guidance may be provided by the Regional Permitting Office in the Permit Special Provisions. **Contact Information:** Contact the CDOT Paleontologist at (303) 757-9632.

**Working on or in any stream or its bank** - In order to protect and preserve the state's fish and wildlife resources from actions that may obstruct, diminish, destroy, change, modify, or vary a natural existing stream or its banks or tributaries, it may be necessary to obtain a Senate Bill 40 certification from the Colorado Department of Natural Resources. A stream is defined as 1) represented by a solid blue line on USGS 7.5' quadrangle maps; and/or 2) intermittent streams providing live water beneficial to fish and wildlife; and/or 3) segments of streams supporting 25% or more cover within 100 yards upstream or downstream of the project; and/or 4) segments of streams having wetlands present within 200 yards upstream or downstream of the project. The Colorado Division of Wildlife (CDOW) application, as per guidelines agreed upon by CDOT and CDOW, can be accessed at [www.dot.state.co.us/environmental/wildlife/permitapplication.asp](http://www.dot.state.co.us/environmental/wildlife/permitapplication.asp).

**About This Form** - Questions or comments about this Information Summary may be directed to Dahir Egal, CDOT Safety & Traffic Engineering, Utilities Unit, at (303) 757-9344, [dahir.egal@dot.state.co.us](mailto:dahir.egal@dot.state.co.us)

# Gabossi Access MP 109.8 US Highway 6

Engineer's Opinion of Probable Cost

Date: August 10, 2009

US 6 MP 109.80  
Driveway Construction

Schmueser Gordon Meyer Inc.

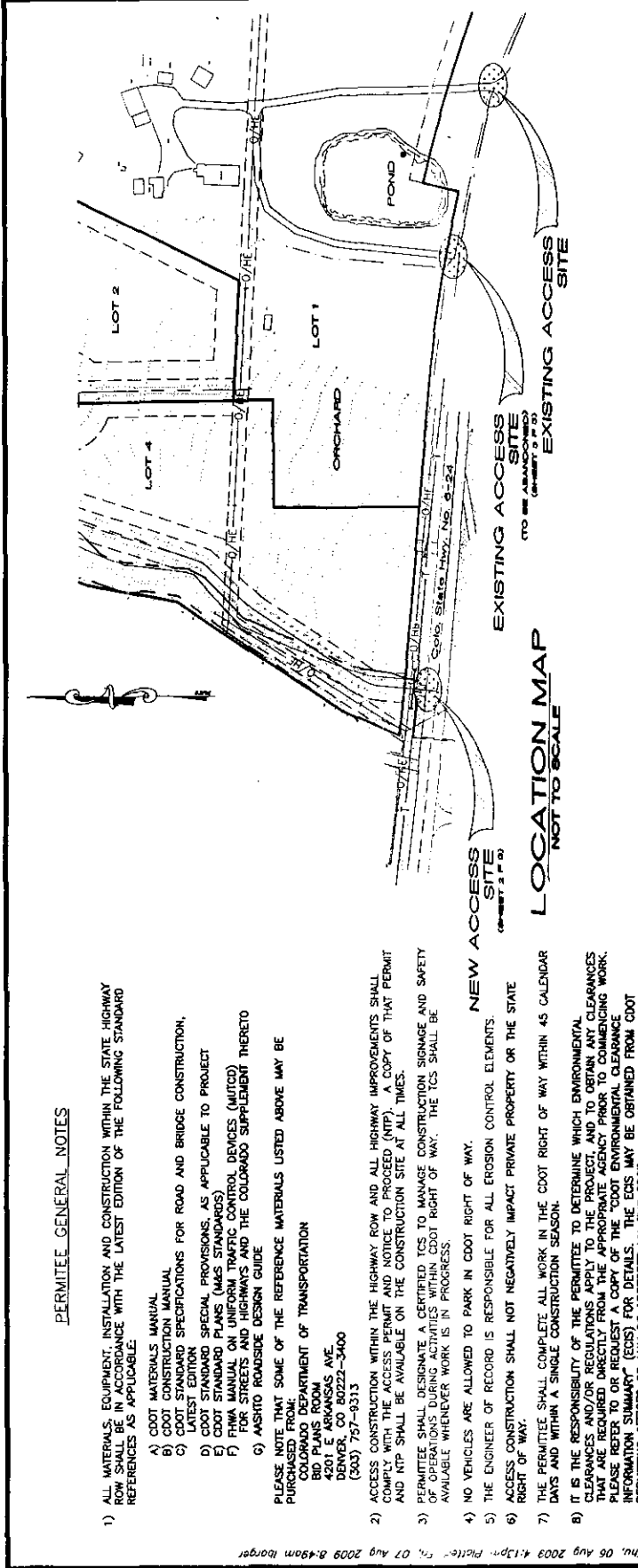
<u>Item No.</u>	<u>Est. Qty</u>	<u>Unit</u>	<u>Description</u>	<u>Unit Price</u>	<u>Total</u>
	1.0	L.S.	Clear and Grub	\$1,000.00	\$1,000.00
	1.0	Each	Reset Delineator	\$10.00	\$10.00
	20.0	S.Y.	Remove Existing Asphalt Mat (2" Milling)	\$5.00	\$100.00
	34.0	L.F.	Remove Culvert	\$3.00	\$102.00
	105.0	C.Y.	Unclassified Excavation	\$10.00	\$1,050.00
	15.0	L.F.	Fence	\$25.00	\$375.00
	4.0	Hour	Laborer	\$55.00	\$220.00
	26.0	C.Y.	Topsoil, 4" depth	\$1.50	\$39.00
	10.0	Each	Erosion Bales (Weed Free)	\$20.00	\$200.00
	2.0	Each	Landscape Boulder	\$150.00	\$300.00
	1.0	L.S.	Erosion Control Supervisor	\$5,000.00	\$5,000.00
	0.1	Acre	Seeding (Native)	\$5,500.00	\$275.00
	26.0	C.Y.	Soil Preparation	\$10.00	\$260.00
	0.1	Acre	Mulching (Weed Free Hay)	\$400.00	\$20.00
	10.0	LB	Mulch Tackifier (100 Lb/Acre)	\$2.00	\$20.00
	95.0	Ton	Aggregate Base Course (Class 3)	\$20.00	\$1,900.00
	94.0	Ton	Aggregate Base Course (Class 6)	\$25.00	\$2,350.00
	31.0	Ton	Hot Mix Asphalt (Grading SX) (100) (PG 64-22)	\$65.00	\$2,015.00
	50.0	L.F.	18 Inch Corrugated Steel Pipe	\$65.00	\$3,250.00
	2.0	Each	18 Inch Steel End Section	\$425.00	\$850.00
	1.0	L.S.	Construction Surveying	\$1,500.00	\$1,500.00
	1.0	L.S.	Mobilization	\$2,000.00	\$2,000.00
	5.0	Hour	Flagging	\$20.00	\$100.00
	10.0	Day	Traffic Control Inspection	\$100.00	\$1,000.00
	10.0	Day	Traffic Control Management	\$200.00	\$2,000.00
	6.3	S.F.	Sign Panel (Class II)	\$20.00	\$125.00
	1.0	Each	Steel Sign Post (2.5 Inch Round) (Slipbase Sc.80) (Post)	\$425.00	\$425.00
	4.0	Each	Construction Traffic Sign	\$75.00	\$300.00
	10.0	Each	Drum Channelizing Device	\$35.00	\$350.00
	1.0	F.A	F/A Minor Contract Revisions	\$1,000.00	\$1,000.00
	1.0	F.A	F/A Quality Incentive Payment	\$0.00	\$0.00

**SUB-TOTAL: \$28,136.00**  
**15% Contingency: \$4,220.40**

NOTE: The estimates contained herein are the opinion of this engineer and are based upon historical information adjusted for unique conditions of this project. As with any cost estimate actual costs may vary due to market conditions.

**TOTAL: \$32,356.40**





**LEGEND**

- UTILITY POLE
- EXISTING GROUND SIGN
- PROPOSED GROUND SIGN
- ⊙ BURIED PHONE MARKER
- GUY WIRE
- △ FLARED END SECTION
- ⊕ BOULDER/ROCK
- PROPERTY CAP
- O/H/E OVERHEAD ELECTRIC LINE
- TELEPHONE LINE
- FENCELINE
- ▨ REVEGETATED AREA

**INDEX OF SHEETS**

- 1 COVER SHEET
- 2 DRIVEWAY PLAN & PROFILE
- 3 DETAILS & REVEG PLAN
- 4 ADDITIONAL NOTES

**PERMITEE GENERAL NOTES**

- 1) ALL MATERIALS, EQUIPMENT, INSTALLATION AND CONSTRUCTION WITHIN THE STATE HIGHWAY ROW SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE FOLLOWING STANDARD REFERENCES AS APPLICABLE:
  - A) CDOT MATERIALS MANUAL
  - B) CDOT CONSTRUCTION MANUAL
  - C) CDOT STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, LATEST EDITION
  - D) CDOT STANDARD SPECIAL PROVISIONS, AS APPLICABLE TO PROJECT
  - E) CDOT STANDARD PLANS (M&S STANDARDS)
  - F) CDOT STANDARD PLANS (M&S SPECIALS)
  - G) CDOT STANDARD PLANS (M&S SUPPLEMENT)
  - H) CDOT STANDARD PLANS (M&S SUPPLEMENT)
  - I) CDOT STANDARD PLANS (M&S SUPPLEMENT)
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  - U) CDOT STANDARD PLANS (M&S SUPPLEMENT)
  - V) CDOT STANDARD PLANS (M&S SUPPLEMENT)
  - W) CDOT STANDARD PLANS (M&S SUPPLEMENT)
  - X) CDOT STANDARD PLANS (M&S SUPPLEMENT)
  - Y) CDOT STANDARD PLANS (M&S SUPPLEMENT)
  - Z) CDOT STANDARD PLANS (M&S SUPPLEMENT)

- 2) ACCESS CONSTRUCTION WITHIN THE HIGHWAY ROW AND ALL HIGHWAY IMPROVEMENTS SHALL COMPLY WITH THE ACCESS, PERMIT AND NOTICE PROCEDURES (M&S) IN COPY OF THAT PERMIT AND NTP SHALL BE AVAILABLE ON THE CONSTRUCTION SITE AT ALL TIMES.
- 3) PERMITEE SHALL DESIGNATE A CERTIFIED TCS TO MANAGE CONSTRUCTION SIGNAGE AND SAFETY OF OPERATIONS DURING ACTIVITIES WITHIN CDOT RIGHT OF WAY. THE TCS SHALL BE AVAILABLE WHATEVER WORK IS IN PROGRESS.
- 4) NO VEHICLES ARE ALLOWED TO PARK IN CDOT RIGHT OF WAY.
- 5) THE ENGINEER OF RECORD IS RESPONSIBLE FOR ALL EROSION CONTROL ELEMENTS.
- 6) ACCESS CONSTRUCTION SHALL NOT NEGATIVELY IMPACT PRIVATE PROPERTY OR THE STATE RIGHT OF WAY.
- 7) THE PERMITEE SHALL COMPLETE ALL WORK IN THE CDOT RIGHT OF WAY WITHIN 45 CALENDAR DAYS AND WITHIN A SINGLE CONSTRUCTION SEASON.
- 8) IT IS THE RESPONSIBILITY OF THE PERMITEE TO DETERMINE WHICH ENVIRONMENTAL CLEARANCES AND/OR REGULATIONS APPLY TO THE PROJECT, AND TO OBTAIN ANY CLEARANCES PRIOR TO COMMENCING WORK. THE PERMITEE SHALL OBTAIN ALL NECESSARY PERMITS AND CLEARANCES FROM THE APPROPRIATE AGENCY PRIOR TO COMMENCING WORK. PLEASE REFER TO THE PROJECT COPY OF THE ENVIRONMENTAL CLEARANCE INFORMATION SUMMARY (ECIS) FOR DETAILS. THE ECIS MAY BE OBTAINED FROM CDOT PERMITTING OFFICES OR MAY BE ACCESSIBLE VIA THE CDOT PLANNING/CONSTRUCTION-ENVIRONMENTAL GUIDANCE WEBSITE AT: <http://www.dot.state.co.us/AccessPermits/PDF/EnvironmentInfoSummaryAugust2003LiveLink.pdf>

UNLESS OTHERWISE IDENTIFIED BY CDOT OR THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT (CDPHE) WATER QUALITY CONTROL DIVISION (WQCD) AS SIGNIFICANT TO WATER QUALITY, ALL DISCHARGES FROM THE PROJECT, INCLUDING DISCHARGES TO STORM WATER SYSTEMS, ARE ALLOWED WITH THE FOLLOWING EXCEPTIONS: DISCHARGES TO LANDSCAPE IRRIGATION, DIVERTED STREAM FLOWS, UNCONTAMINATED GROUND WATER INFILTRATION TO SEPARATE STORM SEWERS, DISCHARGES FROM POTABLE WATER SOURCES, FOUNDATION DRAINS, AIR CONDITIONING CONDENSATION, IRRIGATION WATER, SPRINGS, FOOTING DRAINS, WATER LINE FLUSHING, FLOWS FROM RIPARIAN HABITATS AND WETLANDS, AND FLOW FROM FIRE FIGHTING ACTIVITIES.

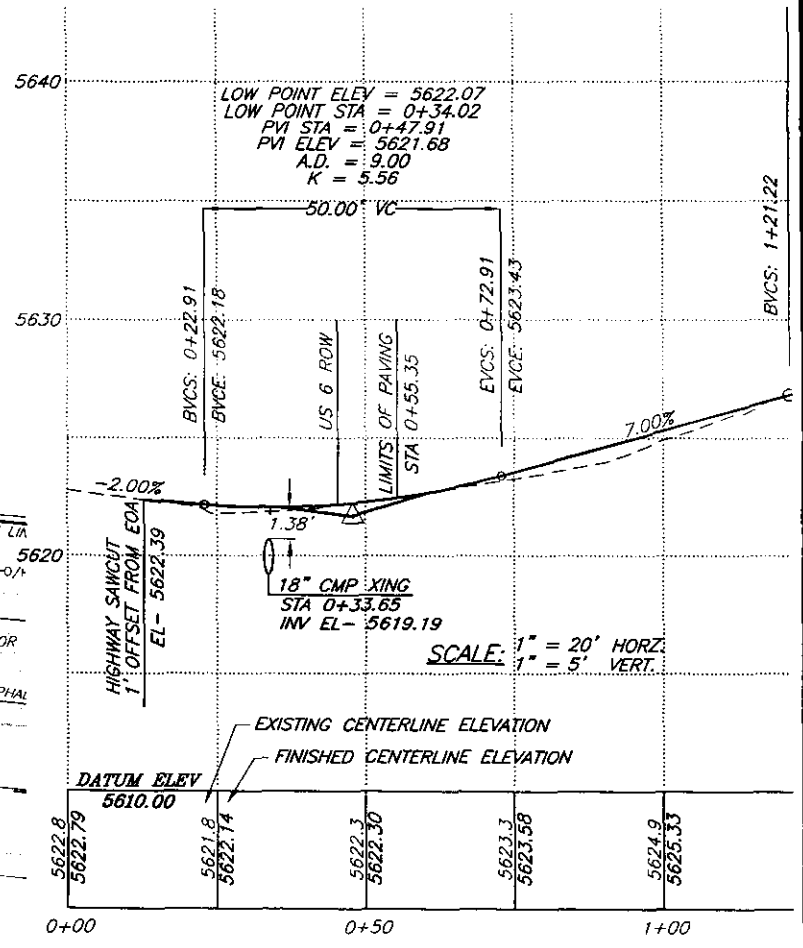
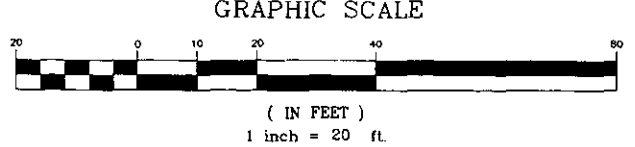
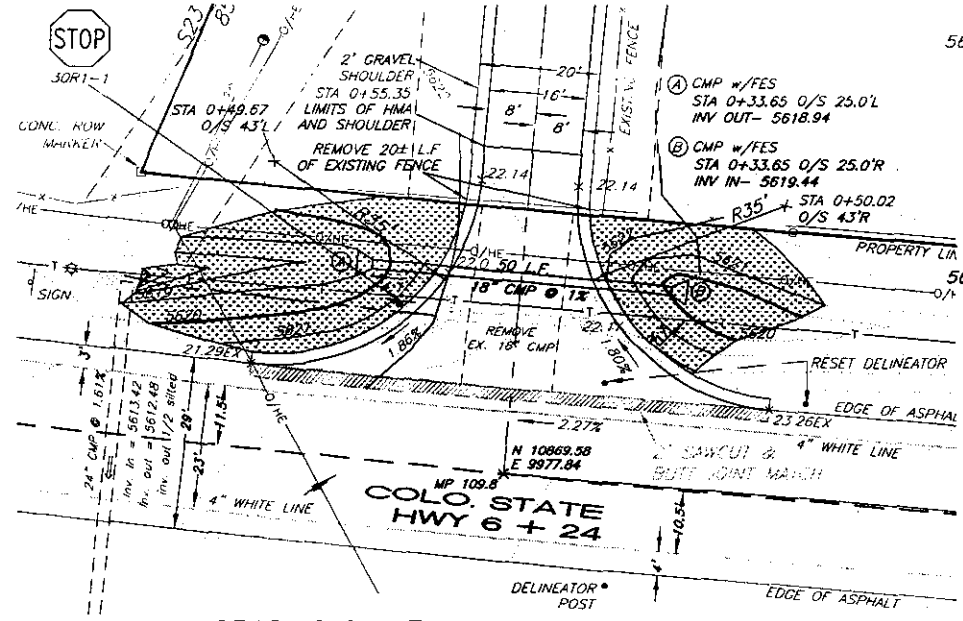
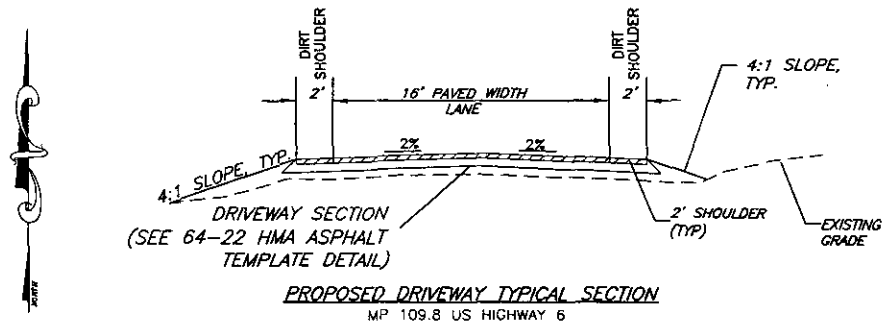
ANY OTHER DISCHARGES, INCLUDING STORM WATER DISCHARGES FROM INDUSTRIAL FACILITIES OR CONSTRUCTION SITES, MAY REQUIRE COLORADO DISCHARGE PERMIT SYSTEM PERMITS FROM CDPHE BEFORE WORK BEGINS. FOR ADDITIONAL INFORMATION AND FORMS, GO TO THE CDPHE WEBSITE AT : <http://www.cdphe.state.co.us/wq/PermitLink/reqcdpml.html>.

WORK OF WAY IS NOT REQUIRED FOR CONSTRUCTION OF HIGHWAY 6 IMPROVEMENTS. ALL WORK WILL OCCUR WITHIN THE EXISTING CDOT RIGHT OF WAY.

**SCHMUESER | GORDON | MEYER**  
ENGINEERS | SURVEYORS

116 W. 6TH STREET, SUITE 200  
ASPEN, COLORADO 81601  
(970) 925-1004 FAX (970) 925-9448  
ASPEN, COLORADO 81601 (970) 925-6727  
CRESTED BUTTE, CO 81621 349-5355

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Date:	07-30-09
Appr. by:	LB
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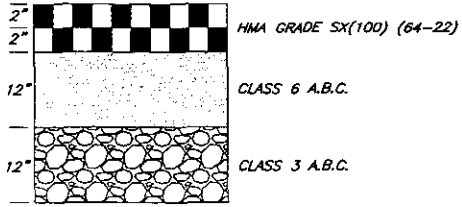
**Driveway Plan & Profile**

**MP 109.8 US 6**  
**Permit #309040**

**SCHMUESER | GORDON | MEYER**  
ENGINEERS | SURVEYORS

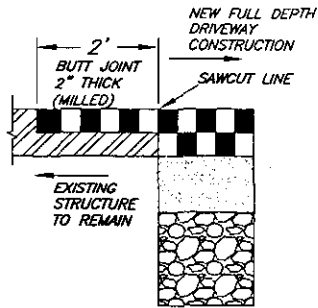
118 W. 6TH STREET, SUITE 200  
GLENWOOD SPRINGS, COLORADO 81601  
(970) 945-1004 FAX (970) 945-5948  
ASPEN, COLORADO (970) 925-6727  
CRESTED BUTTE, CO (970) 349-5355

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**64-22 HMA  
ASPHALT TEMPLATE**

NOT TO SCALE

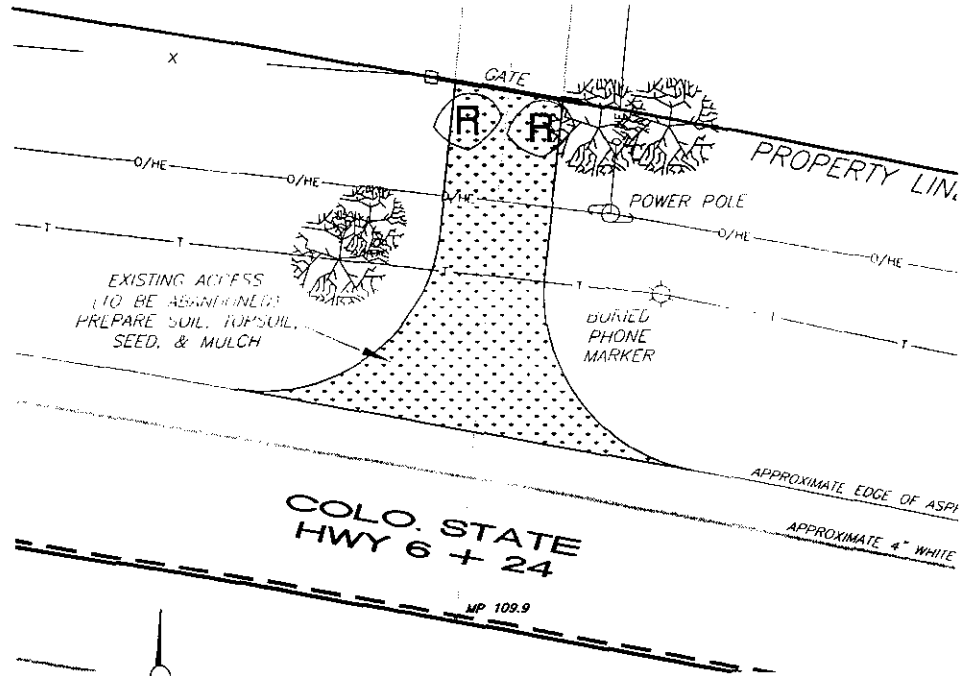


**PROJECT LIMIT  
ASPHALT PAVEMENT TRANSITION**

NOT TO SCALE

**NOTES FOR ABANDONING EXISTING ACCESS SITE:**

- REMOVE EXISTING GATE AND REPLACE WITH FENCE
- PLACE LANDSCAPE BOULDERS ON EXISTING PLATFORM
- PREPARE SOIL, TOPSOIL, SEED, AND MULCH EXISTING DRIVEWAY LIMITS WITHIN THE RIGHT OF WAY



**COLO. STATE  
HWY 6 + 24**

MP 109.9



**GRAPHIC SCALE**



( IN FEET )  
1 inch = 10 ft.



**SCHMUESER | GORDON | MEYER**  
ENGINEERS | SURVEYORS

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(970) 945-1004 FAX (970) 945-5948  
ASPEX, COLORADO (970) 925-6727  
CRESTED BUTTE, CO (970) 349-5355

3 / 4 OF

Job No. 2009-336.001  
Drawn by: JK  
Date: 07-30-09  
Appr. by: LB  
File: ORCHARD EXHIBIT

**Details &  
Reveg Plan**

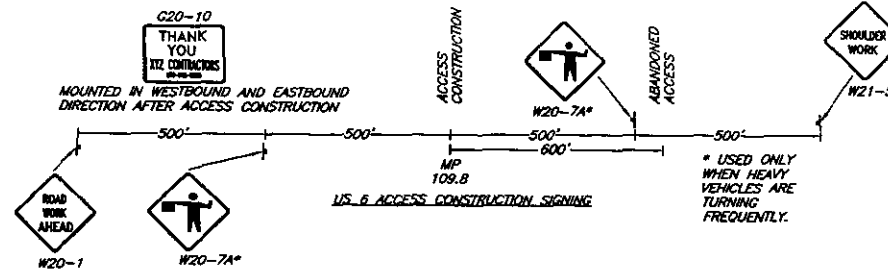
**MP 109.8 US 6  
Permit #309040**

ADDITIONAL GENERAL NOTES

- 1) THIS ACCESS PERMIT APPLICATION #308154 WILL REPLACE ANY EXISTING ACCESS PERMITS FOR THE SITE.
- 2) UTILITY LINES SHOWN ON THE PLAN SHEETS ARE PLOTTED FROM THE BEST AVAILABLE INFORMATION. THE CONTRACTOR'S ATTENTION IS DIRECTED TO SUBSECTION 105.06 OF THE STANDARD SPECIFICATIONS CONCERNING UTILITIES. THE CONTRACTOR SHALL COORDINATE WORK WITH UTILITY COMPANIES SO THAT NECESSARY RELOCATIONS CAN BE ACCOMPLISHED WITHOUT IMPACTING THE CONSTRUCTION SCHEDULE.
- 3) THE CONTRACTOR SHALL CALL THE UTILITY NOTIFICATION CENTER OF COLORADO (UNCC) AT 1-800-922-1887 FOR UTILITY LOCATIONS AT LEAST 2 BUSINESS DAYS, NOT INCLUDING THE DAY OF THE ACTUAL NOTIFICATION, PRIOR TO ANY EXCAVATION. THE CONTRACTOR SHALL VERIFY ALL RIM AND INVERT ELEVATION OF EXISTING UTILITIES AT PROPOSED UTILITY TIE-IN LOCATIONS AND ALL MATCH POINTS PRIOR TO CONSTRUCTION. REFER TO THE SURVEY TABULATION.
- 4) THE CONTRACTOR SHALL BE RESPONSIBLE FOR ADHERING TO ALL GARFIELD COUNTY ORDINANCES.
- 5) WATER SHALL BE USED AS A DUST PALLIATIVE WHERE REQUIRED. LOCATIONS SHALL BE DIRECTED BY THE ENGINEER AND SHALL NOT BE PAID SEPARATELY.
- 6) FOR PRELIMINARY PLAN QUANTITIES OF PAVEMENT MATERIALS, THE FOLLOWING RATES OF APPLICATION WHERE USED:  
 AGGREGATE BASE COURSE (CLASS 6)                      ● 133 LBS/CU. FT.  
 AGGREGATE BASE COURSE (CLASS 2)                    ● 135 LBS/CU. FT.  
 HOT BITUMINOUS PAVEMENT SX (100)(PG 64-22)      ● 110 LBS/SY. YD./INCH  
 TACK COAT DILUTED EMUL. ASPH (SLOW SETTING)    ● 0.10 GAL/SQ. YD. (DILUTED)  
 7) DILUTED EMULSIFIED ASPHALT FOR TACK COAT SHALL CONSIST OF 1 PART EMULSIFIED AND 1 PART WATER. RATE OF APPLICATION SHALL BE DETERMINED BY THE ENGINEER.
- 8) THE FOLLOWING SHALL BE FURNISHED WITH EACH BITUMINOUS PAVER:  
 A. A SKI TYPE DEVICE AT 30 FEET IN LENGTH.  
 B. A SHORT SKI OR CHOE.
- 9) DEPTH OF MOISTURE-DENSITY CONTROL FOR THE PROJECT SHALL BE THE FULL DEPTH OF ALL EMBANKMENT AND 0.5 FEET BELOW BASE OF CUTS AND FILLS. TYPE OF COMPACTION FOR THE PROJECT WILL BE AASHTO T-99 FOR EMBANKMENT MATERIAL (CIP).
- 10) EXCAVATION REQUIRED FOR COMPACTION OF BASES OF CUTS AND FILLS WILL BE CONSIDERED AS SUBSIDIARY TO THAT OPERATION AND WILL NOT BE PAID FOR SEPARATELY.
- 11) EMBANKMENT MATERIAL SHALL HAVE A MINIMUM R-VALUE OF 60 WITHIN THE TOP 22 INCHES OF SUBGRADE.
- 12) ANY OPEN EXCAVATION LEFT UNATTENDED SHALL BE BARRICADED OR FENCED OFF BY THE CONTRACTOR. COST OF THE FENCING TO PROTECT TRAVELED WAY SHALL BE INCLUDED IN THE COST OF THE EXCAVATION.
- 13) THE CONTRACTOR IS RESPONSIBLE TO MAINTAIN ALL EXISTING DRAINAGE SYSTEMS DURING CONSTRUCTION. THE CONTRACTOR SHALL ALSO MAINTAIN ALL ACCESS POINTS FROM THE HIGHWAY DURING CONSTRUCTION. IF ADJACENT PROPERTY OWNERS AGREE IN WRITING TO TEMPORARY CLOSURES, THESE AGREEMENTS MUST BE APPROVED BY THE ENGINEER IN WRITING PRIOR TO IMPLEMENTATION.
- 14) CERTIFICATES OF INSURANCE ISSUED FROM THE CONTRACTOR TO THE OWNER FOR THE PROJECT SHALL ALSO NAME CDOT AS AN ADDITIONAL INSURED PARTY.
- 15) THE CONTRACTOR SHALL SAWCUT THE EDGE OF THE EXISTING ASPHALT MAT TO PROVIDE A CLEAN JOINT BETWEEN EXISTING ROADWAY AND NEW WIDENINGS.

TRAFFIC CONTROL NOTES

- 1) PRIOR TO BEGINNING OF WORK IN THE CDOT RIGHT OF WAY, THE PERMITEE SHALL CREATE A SITE SPECIFIC AND DETAILED CONSTRUCTION TRAFFIC CONTROL PLAN WHICH COVERS ALL PHASES AND DAY/NIGHT SIGNAGE CONDITIONS OF WORK, INCLUDING FINAL SIGNING AND STRIPING.
- 2) PERMITEE SHALL REMOVE ALL TRAFFIC CONTROL DEVICES AT THE END OF THE DAY'S CONSTRUCTION ACTIVITIES, ON WEEKENDS AND HOLIDAYS, UNLESS OTHERWISE DIRECTED BY CDOT.
- 3) THE POSTED SPEED ALONG HIGHWAY 6 IN THE PROJECT AREA IS 55 MPH, WHICH WILL BE MAINTAINED AS THE CONSTRUCTION ZONE SPEED LIMIT. DRUM CHANNELIZING DEVICES SHALL BE SPACED 25' ALONG THE CONSTRUCTION LIMITS (APPROXIMATELY 55' ON EITHER SIDE OF PROPOSED ACCESS). NO DRUMS WILL BE NEEDED AT THE ABANDONED ACCESS.
- 4) CONSTRUCTION TRAFFIC CONTROL SHALL FOLLOW "SHOULDER WORK WITH MINOR ENCROACHMENT" (FIGURE TA-6 IN THE MUTCD PART IV).
- 5) CASE NO. 25 ON STANDARD PLAN 5-630-1 (11 OF 12) SHOWING "FINES DOUBLE IN WORK ZONE (WITHOUT SPEED REDUCTION)" SIGNING SHALL APPLY TO TRAFFIC CONTROL ALONG US 6.
- 6) CONTRACTOR SHALL SUBMIT TOP'S AND MHT'S FOR ALL PHASES OF WORK AT LEAST ONE WEEK PRIOR TO COMMENCING WORK IN THE RIGHT OF WAY. THE ENGINEER OF RECORD SHALL APPROVE ALL TRAFFIC CONTROL SUBMITTALS BY THE CONTRACTOR PRIOR TO INITIATING WORK IN THE RIGHT OF WAY AND PROVIDE COPIES TO CDOT.



4 / 4 OF

Job No. 2009-336.001  
 Drawn by: JK  
 Date: 07-30-09  
 Appr. by: LB  
 File: ORCHARD EXHIBIT

Additional Notes

MP 109.8 US 6  
 Permit #309040

**SCHMUESER | GORDON | MEYER**  
 ENGINEERS | SURVEYORS

118 W. 6TH STREET, SUITE 200  
 GLENWOOD SPRINGS, COLORADO 81601  
 (970) 945-1004 FAX (970) 945-5948  
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John L. Taufer  
John L. Taufer & Associates, Inc.  
PO Box 2271  
Glenwood Springs CO 81602

March 1, 2010

RE: Old Orchard Subdivision Preliminary Plan/Final Plat - Water Rights and  
Water Supply Plan

Dear John:

At your request, Resource Engineering, Inc. (RESOURCE) prepared a water rights and water supply plan for the Old Orchard Subdivision Preliminary Plan/Final Plat submittal. The applicants and owners of the property are Rocky and Mary Gabossi (Gabossi). The plan presented herein follows the standards set forth in Section 7-104, 7-105 of the Garfield County (GARCO) Unified Land Use Resolution. The proposed subdivision project would create 4 parcels from an existing 20.2 acre parcel. Lot 1 would include the existing Gabossi house and a new accessory dwelling unit (ADU). Lots 2, 3 and 4 would accommodate a new single family residence and an ADU on each lot.

#### **EXISTING WATER RIGHTS**

Domestic water rights for the subject parcel were decreed in Case Nos. W-1358 and 97CW162. The water rights were decreed for a larger 60 acre parcel of land now known as the Gabossi/Wagner Exemption and split between Gabossi and Wagner. The water rights are divided between Gabossi and Wagner. Gabossi owns the Bowles Well (W-1358), Bowles Well Nos. 1-3 (97CW162) and one-half interest in the plan for augmentation decreed in Case No. 97CW162. The augmentation plan component owned by Gabossi includes in-house water use for up to 15 single family units through the Bowles Well Nos. 1-3.

There are two existing wells on the subject property including the Bowles Well (Permit No. 52966) and Bowles Well No.2 (Permit No. 68856-F). The Bowles Well is located on the proposed Lot 1 and serves the existing Gabossi house. Bowles Well No. 2 is located on the proposed Lot 3 and is permitted to serve up to 7 dwelling units. For purposes of the Preliminary Plan Application, it is proposed that the Bowles Well No. 2 will serve a single family dwelling unit and an ADU on Lots 2, 3 and 4 and an ADU on Lot 1.

Irrigation water rights in the Williams Canal are appurtenant to the subject property. These water rights will continue to be used for irrigation on the property. The Williams Canal water rights will be conveyed to each lot on a pro rata basis according to the amount of historically irrigated land that is located on each lot.

Copies of the decrees and well permits, are attached.

#### **WATER REQUIREMENTS**

The in-house water requirement for each single family dwelling unit and ADU is 350 gallons per day, based on an average of 3.5 people per unit each using 100 gallons per

day. This equates to 2800 gallons per day or 3.14 acre feet per year for 8 dwelling units (4 single family units and 4 ADU).

Outside irrigation is not allowed from the shared well on Lot 3. Irrigation will be from the Williams Canal.

The water depletion to the stream system from the wells is estimated at 15 percent of the demand (assuming wastewater disposal through an ISDS system) for in-house use and the net ET rate for irrigation use. The existing ISDS on the property and the SCS soil Survey data indicate standard ISDS systems are feasible for the project. The in-house depletion for a single family unit is 0.06 acre feet per year.

The total project water demand is estimated at 3.14 acre feet per year as shown on the attached Table 1. The total project depletion to the stream system is estimated at 0.47 acre feet per year.

The Lot 1 well will need to provide 350 to 700 gallons per day (0.25 to 0.5 gpm sustained yield). The shared Lot 3 well will need to provide 2450 gallons per day, which requires a long term sustained yield of at least 2 gallons per minute.

## **WATER SUPPLY**

The physical water supply for the project will come from the two existing wells. The existing Bowles Well will continue to serve the existing main house on Lot 1. The existing well on Lot 3 will be shared by Lots 2, 3, and 4 and an ADU on Lot 1.

The existing Bowles Well has adequately served the existing main house since construction of the well in 1972 and was tested by RESOURCE in 2009. The existing Bowles Well No.2 was tested by J & M Pump Company for four hours in August 2002 and by RESOURCE for 24 hours in January 2010. The geology of the project site is the Weber Sandstone and Maroon Formation situated in proximity to the Colorado River. These formations generally produce adequate wells for domestic uses.

### **Bowles Well**

A 24-hour pumping test was conducted on the existing Bowles Well by RESOURCE on July 9 - July 11, 2009. Drawdown data was collected at 5 second intervals during pumping and recovery using a pressure transducer and data logger. Data was collected periodically during the test using a well sounder to field verify the automated data recorder.

The well was pumped at 8.7 gpm and the maximum drawdown in the well was approximately 16.5 feet (34.5 feet from the top of casing) after 1430 minutes of pumping. At the end of the test approximately 15 feet of water remained in the well. This is a large safety margin against the well pumping dry.

Over the 24 hour pumping period 12,500 gallons of water was pumped from the well. This is about 20 times the estimated daily demand of 350 gallons for the house and 5 times the total project demand of 2800 gallons per day.

The water level recovery in the well reached 97 % of the static water level at the start of the test in the 24 hours after pumping ceased. The well recharged slightly lower than the original water static level. This was primarily due to an increase in barometric pressure, although it may also indicate that the sustained yield of the well is slightly less than 8.7 gpm. The well is more than adequate for existing and proposed uses on Lot 1.

### **Bowles Well No.2**

A 4-hour pumping test was conducted on the existing Bowles Well No. 2 by J & M Pump Company in August 2002. Drawdown data was collected using a well probe at prescribed intervals. The well was pumped at 15 gpm and the maximum drawdown in the well was approximately 29 feet (36 feet from the top of casing). The drawdown stabilized at 29 feet during the pump test. At the end of the test approximately 215 feet of water remained in the well. This is a large safety margin against the well pumping dry.

A 24 hour pumping test was conducted on the existing Bowles Well No. 2 by RESOURCE on January 26 through 28, 2010. Drawdown data was collected at 5 second intervals during pumping and recovery using a pressure transducer and data logger. Data was collected periodically during the test using a well sounder to field verify the automated data recorder.

The well was pumped at 15 gpm and the maximum drawdown in the well was approximately 47.6 feet (60.4 feet from the top of casing) after 1440 minutes of pumping. At the end of the test approximately 160 feet of water remained in the well. This is a large safety margin against the well pumping dry.

Over the 24 hour pumping period 21,600 gallons of water was pumped from the well. This is about 9 times the estimated daily demand of 2450 gallons for 7 dwelling units.

The water level recovery in the well reached 75% of the static water level at the start of the test in the 24 hours after pumping ceased. The well recharged slower than expected and indicates a yield of less than 15 gpm. Based on the initial drawdown data and recovery data, RESOURCE estimates the long term yield of the well at approximately 10 gpm. The well yield is more than adequate to serve the in-house demands for 7 dwelling units.

### **WATER QUALITY**

The water quality of the existing Bowles Well has been adequate for the existing main house. Both of the existing wells were tested for nitrates and bacteria in 2002. The results indicate very low concentration of nitrate, 0.14 to 0.34 mg/l, compared to the drinking water standard of 10 mg/l. Both wells had no coliform bacteria in the water. RESOURCE obtained water samples from the Bowles Well and the Bowles Well No. 2

March 1, 2010

during the 24 hour pumping tests and sent there to ACZ Laboratories for analysis of State Primary and Secondary Drinking Water Standards.

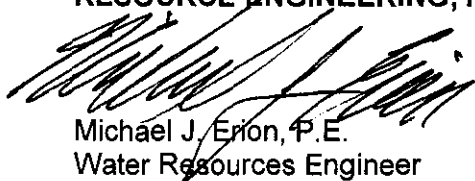
The attached laboratory results for the Bowles Well indicate no problems with the quality of the water in the well. All the parameters measured were below the levels set for the Primary and Secondary Drinking Water Standards. The hardness was measured at 261 mg/l, which is considered very hard. Hard water can leave mineral deposits on plumbing fixtures and lessen effectiveness of soaps, but is generally not harmful. To prevent calcium buildup water softening is recommended.

The attached laboratory results for Bowles Well No. 2 also indicate no concerns with the water quality. All the parameters measured were below the levels set for the Primary and Secondary Drinking Water Standards. We do note that the water is very hard and the sodium concentration is relatively high. Water softening is recommended and reverse osmosis will be needed to make the water palatable.

Please call if you have any questions or need additional information.

Sincerely,

**RESOURCE ENGINEERING, INC.**



Michael J. Erion, P.E.  
Water Resources Engineer



MJE/mmm  
872-2.0



**TABLE 1**  
**GABOSSI SUBDIVISION PRELIMINARY PLAN - SHARED WELL**  
**WATER DIVERSIONS AND DEPLETION REQUIREMENTS**  
 (All values in acre-feet)

MONTH	DIVERSIONS			DEPLETIONS		
	IN-HOUSE (1)	WELL IRRIGATION (2)	TOTAL (3)	IN-HOUSE (4)	WELL IRRIGATION (5)	TOTAL (6)
JANUARY	0.27	0.00	0.27	0.04	0.00	0.04
FEBRUARY	0.24	0.00	0.24	0.04	0.00	0.04
MARCH	0.27	0.00	0.27	0.04	0.00	0.04
APRIL	0.26	0.00	0.26	0.04	0.00	0.04
MAY	0.27	0.00	0.27	0.04	0.00	0.04
JUNE	0.26	0.00	0.26	0.04	0.00	0.04
JULY	0.27	0.00	0.27	0.04	0.00	0.04
AUGUST	0.27	0.00	0.27	0.04	0.00	0.04
SEPTEMBER	0.26	0.00	0.26	0.04	0.00	0.04
OCTOBER	0.27	0.00	0.27	0.04	0.00	0.04
NOVEMBER	0.26	0.00	0.26	0.04	0.00	0.04
DECEMBER	0.27	0.00	0.27	0.04	0.00	0.04
<b>TOTAL</b>	<b>3.14</b>	<b>0.00</b>	<b>3.14</b>	<b>0.47</b>	<b>0.00</b>	<b>0.47</b>

NOTES:

- (1) 8 Equivalent Residential Units. 350 gal/EQR/day. 4 SF unit and 4 ADU
- (2) 0 total acres irrigated by potable water supply. 0 square feet each for Lots 1 through 4
- (3) Column (1) + Column (2)
- (4) 15% in house C.U. for ISDS
- (5) 80% of (2) is consumptively used.
- (6) Column (4) + Column (5)

# **BOWLES WELL**

TYPE OR PRINT IN BLACK INK. APPLICATION MUST BE COMPLETED BEFORE ACCEPTANCE.

APPLICATION FOR:

- A PERMIT TO USE GROUND WATER
- A PERMIT TO CONSTRUCT A WELL
- REPLACEMENT FOR NO. \_\_\_\_\_
- A PERMIT TO INSTALL A PUMP
- OTHER \_\_\_\_\_

GROUND WATER TO BE USED FOR:

- DOMESTIC (1)  COMMERCIAL (4)
- LIVESTOCK (2)  INDUSTRIAL (5)
- MUNICIPAL (8)  IRRIGATION (6)
- OTHER \_\_\_\_\_

APPLICANT LARRY BOWLES

WELL LOCATION COUNTY Garfield

Street Address Bowles Bootery 819 Grand Av.

SE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 33

City & State Glenwood Springs, Colo.

T. 5 S, R. 90 W, 6<sup>th</sup> P.M.

Telephone No. 945-5318

IN ADDITION TO THE ABOVE, THE WELL MUST BE LOCATED WITH REFERENCE TO GOVERNMENT SURVEY CORNERS, MONUMENTS OR SECTION LINES BY DISTANCE AND BEARING (DOMESTIC WELLS MAY BE LOCATED BY LOT, BLOCK, & SUBDIVISION.)

NAME OF AQUIFER GROUND WATER IS TO BE OBTAINED FROM: GRAVELS

PROPOSED TOTAL DEPTH OF WELL 50 Ft.

\_\_\_\_\_ ft. from \_\_\_\_\_ section line (North or South)

ESTIMATED MAXIMUM PUMPING RATE 15 GPM

\_\_\_\_\_ ft. from \_\_\_\_\_ section line (East or West)

AVERAGE ANNUAL AMOUNT OF GROUND WATER TO BE APPROPRIATED \_\_\_\_\_ Acre-feet

LOT \_\_\_\_\_ BLOCK \_\_\_\_\_ FILING # \_\_\_\_\_

ANTICIPATED GROUT PROGRAM material Cement

SUBDIVISION \_\_\_\_\_

Intervals 10'-40'

Ground Water Basin Colo. River

Placement Method \_\_\_\_\_

Water Mgmt. Dist. 38

PROPOSED CASING:

Anticipated drilling date \_\_\_\_\_ 19 72

- Plain 5 1/2 in. from 0 ft. to 40 ft.
- Perf. 5 1/2 in. from 40 ft. to 50 ft.

Owner of land on which well is located: Same

Driller Collins Drilling Co. No. 634

Other water rights on this land None

Address Box 375 Carbondale Colo.

Larry L Bowles  
Signature of Applicant

IF WELL IS USED FOR IRRIGATION, BACK SIDE OF THIS APPLICATION MUST BE COMPLETED. 2/265

FOR OFFICE USE ONLY

CONDITIONS OF APPROVAL

APPLICATION APPROVED: VALID FOR ONE (1) YEAR AFTER DATE ISSUED UNLESS EXTENDED FOR GOOD CAUSE SHOWN TO THE ISSUING AGENCY.

PERMIT NO. 52966

DATE ISSUED MAR 14 1972

STATE ENGINEER [Signature]

BY [Signature]

FILED  
 IN WATER COURT  
 Division No. 5  
 DEC 13 1972  
 STATE OF COLORADO  
*James R. Bowles*  
 WATER CLERK  
 BY DEPUTY

IN THE DISTRICT COURT IN AND FOR  
 WATER DIVISION NO. 5  
 STATE OF COLORADO

CASE NO. W- 1358

IN THE MATTER OF THE )  
 APPLICATION FOR )  
 WATER RIGHTS OF )  
 LARRY BOWLES )  
 IN THE COLORADO )  
 RIVER OR ITS TRIBUTARIES )  
 TRIBUTARY INVOLVED: )  
 IN GARFIELD COUNTY )

RULING OF THE REFEREE

ABSOLUTE DECREE FOR  
 UNDER GROUND WATER RIGHTS

And the Referee having made the investigations required by Article 21 of Chapter 148, C.R.S. 1963, as amended does hereby make the following ruling, to wit:

This application was referred to the Water Referee of Water Division No. 5 on the 12th day of July, 1972.

*Existing well*

1. Name of Applicant Larry Bowles  
 Address 819 Grand Avenue -  
 Glenwood Springs, Colorado
2. The name of the structure is Bowles Well
3. The Legal description of the structure is: The well is located in the NW $\frac{1}{4}$  of Section 35, T. 5 S., R. 90 W. of the 6th P.M. at a point whence the Northwest Corner of said Section 35 bears N. 41°47'13" W. 2010.11 feet.
4. The depth of the well is 50 feet. *41.783°*
5. The date of initiation of appropriation is March 14, 1972. *2 = 1498.89 NORTH*
6. The amount of water claimed is 0.033 cubic foot per } 15 gallons  
 second of time. } per minute
7. The use of the water is domestic. *2 = 1337.36 S + WEST*
8. The State Engineer's number is 52966.
9. The Priority date is March 14, 1972.
10. The date of the application was June 30, 1972.

It is the ruling of the Referee that the statements in the application are true and that the above described water right is approved and granted the indicated priority; subject, however, to all earlier priority rights of others.

It is accordingly ordered that this ruling shall become effective upon filing with the Water Clerk, subject to Judicial review as provided by law.

Done at the City of Glenwood Springs, Colorado this 13th day of November, 1972.

*James R. Bowles*  
 Water Referee  
 Water Division No. 5  
 State of Colorado

No protest was filed in this matter. The foregoing ruling is confirmed and approved, and is made the Judgment and Decree of this court.

Dated: March 20, 1973  
*John J. Brown*  
 Water Judge

August 19, 2009

## Report to:

Ryan McBride  
Resource Engineering, Inc.  
909 Colorado Ave.  
Glenwood Springs, CO 81601

## Bill to:

Accounts Payable  
Resource Engineering, Inc.  
909 Colorado Ave.  
Glenwood Springs, CO 81601

Project ID: 872-2.0

ACZ Project ID: L77342

Ryan McBride:

Enclosed are the analytical results for sample(s) submitted to ACZ Laboratories, Inc. (ACZ) on August 06, 2009. This project has been assigned to ACZ's project number, L77342. Please reference this number in all future inquiries.

All analyses were performed according to ACZ's Quality Assurance Plan, version 12.0. The enclosed results relate only to the samples received under L77342. Each section of this report has been reviewed and approved by the appropriate Laboratory Supervisor, or a qualified substitute.

Except as noted, the test results for the methods and parameters listed on ACZ's current NELAC certificate letter (#ACZ) meet all requirements of NELAC.

This report shall be used or copied only in its entirety. ACZ is not responsible for the consequences arising from the use of a partial report.

All samples and sub-samples associated with this project will be disposed of after September 19, 2009. If the samples are determined to be hazardous, additional charges apply for disposal (typically less than \$10/sample). If you would like the samples to be held longer than ACZ's stated policy or to be returned, please contact your Project Manager or Customer Service Representative for further details and associated costs. ACZ retains analytical reports for five years.

If you have any questions or other needs, please contact your Project Manager.



Sue Webber has reviewed and approved this report.



**Resource Engineering, Inc.**

Project ID: 872-2.0  
 Sample ID: GABOSI WELL

ACZ Sample ID: **L77342-01**  
 Date Sampled: 08/05/09 14:15  
 Date Received: 08/06/09  
 Sample Matrix: Ground Water

**Inorganic Prep**

Parameter	EPA Method	Result	Qual	XG	Units	MDL	PC1	Date	Analyst
Phosphorus, dissolved	M365.1 - Auto Ascorbic Acid Digestion							08/06/09 15:00	aml
Phosphorus, total	M365.1 - Auto Ascorbic Acid Digestion							08/10/09 14:04	skg
Total Recoverable Digestion	M200.2 ICP							08/07/09 14:23	rct
Total Recoverable Digestion	M200.2 ICP-MS							08/12/09 11:32	bsu

**Metals Analysis**

Parameter	EPA Method	Result	Qual	XG	Units	MDL	PC1	Date	Analyst
Aluminum, total recoverable	M200.7 ICP		U		mg/L	0.03	0.2	08/10/09 23:12	ear
Barium, total recoverable	M200.7 ICP	0.169			mg/L	0.003	0.02	08/10/09 23:12	ear
Cadmium, total recoverable	M200.7 ICP		U		mg/L	0.005	0.02	08/11/09 12:21	aeh
Calcium, dissolved	M200.7 ICP	60.2			mg/L	0.2	1	08/10/09 18:46	ear
Chromium, total recoverable	M200.7 ICP		U		mg/L	0.01	0.05	08/10/09 23:12	ear
Copper, total recoverable	M200.8 ICP-MS	0.483		*	mg/L	0.001	0.005	08/14/09 1:06	erf
Iron, total recoverable	M200.7 ICP		U		mg/L	0.02	0.05	08/10/09 23:12	ear
Lead, total recoverable	M200.8 ICP-MS	0.0002	B		mg/L	0.0001	0.0005	08/12/09 21:38	erf
Magnesium, dissolved	M200.7 ICP	27.0			mg/L	0.2	1	08/10/09 18:46	ear
Manganese, total recoverable	M200.7 ICP		U		mg/L	0.005	0.03	08/10/09 23:12	ear
Mercury, total	M245.1 CVAA		U		mg/L	0.0002	0.001	08/07/09 17:22	pmc
Potassium, dissolved	M200.7 ICP	1.7	B		mg/L	0.3	2	08/10/09 18:46	ear
Selenium, total recoverable	M200.8 ICP-MS	0.0002	B		mg/L	0.0001	0.0005	08/12/09 21:38	erf
Silver, total recoverable	M200.8 ICP-MS		U		mg/L	0.0001	0.0005	08/14/09 1:06	erf
Sodium, dissolved	M200.7 ICP	3.8			mg/L	0.3	2	08/10/09 18:46	ear
Zinc, total recoverable	M200.7 ICP	0.01	B		mg/L	0.01	0.05	08/10/09 23:12	ear

**Resource Engineering, Inc.**

Project ID: 872-2.0  
 Sample ID: GABOSSI WELL

ACZ Sample ID: **L77342-01**  
 Date Sampled: 08/05/09 14:15  
 Date Received: 08/06/09  
 Sample Matrix: Ground Water

Wet Chemistry

Parameter	Method	Result	Unit	Qualifier	Method	Volume	Date/Time	Analyst
Alkalinity as CaCO3	SM2320B - Titration							
Bicarbonate as CaCO3		232	mg/L			20	08/11/09 0:00	kah
Carbonate as CaCO3		3	mg/L	B		20	08/11/09 0:00	kah
Hydroxide as CaCO3			mg/L	U		20	08/11/09 0:00	kah
Total Alkalinity		236	mg/L			20	08/11/09 0:00	kah
Cation-Anion Balance	Calculation							
Cation-Anion Balance		-0.9	%				08/19/09 0:00	calc
Sum of Anions		5.5	meq/L			0.1	08/19/09 0:00	calc
Sum of Cations		5.4	meq/L			0.1	08/19/09 0:00	calc
Chloride	SM4500Cl-E		mg/L	U *		5	08/18/09 11:13	aml
Coliforms, fecal	SM9222D - Membrane Filter	0	#/100ml	*		5	08/06/09 11:21	abm
Color	HACH Color Wheel		Co/Pt	U *		5	08/06/09 13:47	abm
Conductivity @25C	SM2510B	494	umhos/cm			10	08/11/09 21:05	kah
Fluoride	SM4500F-C	0.2	mg/L	B *		0.5	08/10/09 13:19	abm
Hardness as CaCO3	SM2340B - Calculation	261	mg/L			7	08/19/09 0:00	calc
Lab Filtration	SM 3030 B			*			08/06/09 11:30	abm
Lab Filtration & Acidification	SM 3030 B			*			08/06/09 13:01	aml
Lab Filtration & Acidification	SM 3030 B			*			08/07/09 13:20	ear
Nitrate as N, dissolved	Calculation: NO3NO2 minus NO2	0.12	mg/L			0.1	08/19/09 0:00	calc
Nitrate/Nitrite as N, dissolved	M353.2 - Automated Cadmium Reduction	0.12	mg/L			0.1	08/06/09 17:54	pjb
Nitrite as N, dissolved	M353.2 - Automated Cadmium Reduction		mg/L	U *		0.05	08/06/09 17:54	pjb
Nitrogen, ammonia	M350.1 - Automated Phenate		mg/L	U *		0.5	08/10/09 18:13	jws
pH (lab)	SM4500H+ B							
pH		8.3	units	H		0.1	08/11/09 0:00	kah
pH measured at		23.0	C			0.1	08/11/09 0:00	kah
Phosphorus, dissolved	M365.1 - Auto Ascorbic Acid (digest)	0.02	mg/L	B *		0.05	08/06/09 21:31	pjb
Phosphorus, ortho dissolved	M365.1 - Automated Ascorbic Acid	0.03	mg/L	B *		0.05	08/06/09 19:56	pjb
Phosphorus, total	M365.1 - Auto Ascorbic Acid (digest)	0.02	mg/L	B *		0.05	08/11/09 12:47	jws
Residue, Filterable (TDS) @180C	SM2540C	290	mg/L			20	08/07/09 15:36	jlf
Sulfate	SM4500 SO4-D	40	mg/L	B		50	08/11/09 10:47	abm
TDS (calculated)	Calculation	276	mg/L			50	08/19/09 0:00	calc
TDS (ratio - measured/calculated)	Calculation	1.05					08/19/09 0:00	calc
Turbidity	M180.1 - Nephelometric		NTU	U *		0.5	08/07/09 10:20	abm

Batch	A distinct set of samples analyzed at a specific time
Found	Value of the QC Type of interest
Limit	Upper limit for RPD, in %.
Lower	Lower Recovery Limit, in % (except for LCSS, mg/Kg)
MDL	Method Detection Limit. Same as Minimum Reporting Limit. Allows for instrument and annual fluctuations.
PCN/SCN	A number assigned to reagents/standards to trace to the manufacturer's certificate of analysis
PQL	Practical Quantitation Limit, typically 5 times the MDL.
QC	True Value of the Control Sample or the amount added to the Spike
Rec	Amount of the true value or spike added recovered, in % (except for LCSS, mg/Kg)
RPD	Relative Percent Difference, calculation used for Duplicate QC Types
Upper	Upper Recovery Limit, in % (except for LCSS, mg/Kg)
Sample	Value of the Sample of interest

AS	Analytical Spike (Post Digestion)	LCSWD	Laboratory Control Sample - Water Duplicate
ASD	Analytical Spike (Post Digestion) Duplicate	LFB	Laboratory Fortified Blank
CCB	Continuing Calibration Blank	LFM	Laboratory Fortified Matrix
CCV	Continuing Calibration Verification standard	LFMD	Laboratory Fortified Matrix Duplicate
DUP	Sample Duplicate	LRB	Laboratory Reagent Blank
ICB	Initial Calibration Blank	MS	Matrix Spike
ICV	Initial Calibration Verification standard	MSD	Matrix Spike Duplicate
ICSAB	Inter-element Correction Standard - A plus B solutions	PBS	Prep Blank - Soil
LCSS	Laboratory Control Sample - Soil	PBW	Prep Blank - Water
LCSSD	Laboratory Control Sample - Soil Duplicate	PQV	Practical Quantitation Verification standard
LCSW	Laboratory Control Sample - Water	SDL	Serial Dilution

Blanks	Verifies that there is no or minimal contamination in the prep method or calibration procedure.
Control Samples	Verifies the accuracy of the method, including the prep procedure.
Duplicates	Verifies the precision of the instrument and/or method.
Spikes/Fortified Matrix	Determines sample matrix interferences, if any.
Standard	Verifies the validity of the calibration.

B	Analyte concentration detected at a value between MDL and PQL. The associated value is an estimated quantity.
H	Analysis exceeded method hold time. pH is a field test with an immediate hold time.
U	The material was analyzed for, but was not detected above the level of the associated value. The associated value is either the sample quantitation limit or the sample detection limit.

- (1) EPA 600/4-83-020. Methods for Chemical Analysis of Water and Wastes, March 1983.
- (2) EPA 600/R-93-100. Methods for the Determination of Inorganic Substances in Environmental Samples, August 1993.
- (3) EPA 600/R-94-111. Methods for the Determination of Metals in Environmental Samples - Supplement I, May 1994.
- (5) EPA SW-846. Test Methods for Evaluating Solid Waste, Third Edition with Update III, December 1996.
- (6) Standard Methods for the Examination of Water and Wastewater, 19th edition, 1995 & 20th edition (1998).

- (1) QC results calculated from raw data. Results may vary slightly if the rounded values are used in the calculations.
- (2) Soil, Sludge, and Plant matrices for Inorganic analyses are reported on a dry weight basis.
- (3) Animal matrices for Inorganic analyses are reported on an "as received" basis.

For a complete list of ACZ's Extended Qualifiers, please click:

<http://www.acz.com/public/extquallist.pdf>



Resource Engineering, Inc.

ACZ Project ID: L77342

Sample ID	Parameter	Method	Notes
L77342-01	WG268597 Copper, total recoverable	M200.8 ICP-MS	M3 The spike recovery value is unusable since the analyte concentration in the sample is disproportionate to the spike level. The recovery of the associated control sample (LCS or LFB) was acceptable.
	WG268783 Chloride	SM4500Cl-E SM4500Cl-E	M2 Matrix spike recovery was low, the recovery of the associated control sample (LCS or LFB) was acceptable. RA Relative Percent Difference (RPD) was not used for data validation because the sample concentration is too low for accurate evaluation (< 10x MDL).
	WG268227 Color	HACH Color Wheel	RA Relative Percent Difference (RPD) was not used for data validation because the sample concentration is too low for accurate evaluation (< 10x MDL).
	WG268338 Fluoride	SM4500F-C SM4500F-C	M2 Matrix spike recovery was low, the recovery of the associated control sample (LCS or LFB) was acceptable. RA Relative Percent Difference (RPD) was not used for data validation because the sample concentration is too low for accurate evaluation (< 10x MDL).
	WG268250 Nitrite as N, dissolved	M353.2 - Automated Cadmium Reduction	RA Relative Percent Difference (RPD) was not used for data validation because the sample concentration is too low for accurate evaluation (< 10x MDL).
	WG268341 Nitrogen, ammonia	M350.1 - Automated Phenate	RA Relative Percent Difference (RPD) was not used for data validation because the sample concentration is too low for accurate evaluation (< 10x MDL).
	WG268256 Phosphorus, dissolved	M365.1 - Auto Ascorbic Acid (digest)	RA Relative Percent Difference (RPD) was not used for data validation because the sample concentration is too low for accurate evaluation (< 10x MDL).
	WG268253 Phosphorus, ortho dissolved	M365.1 - Automated Ascorbic Acid	RA Relative Percent Difference (RPD) was not used for data validation because the sample concentration is too low for accurate evaluation (< 10x MDL).
	WG268416 Phosphorus, total	M365.1 - Auto Ascorbic Acid (digest)	RA Relative Percent Difference (RPD) was not used for data validation because the sample concentration is too low for accurate evaluation (< 10x MDL).
	WG268265 Turbidity	M180.1 - Nephelometric	RA Relative Percent Difference (RPD) was not used for data validation because the sample concentration is too low for accurate evaluation (< 10x MDL).

Resource Engineering, Inc.

ACZ Project ID: **L77342**

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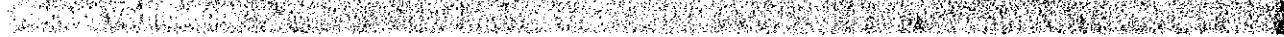
Wet Chemistry



Coliforms, fecal	SM9222D - Membrane Filter
Color	HACH Color Wheel
Lab Filtration	SM 3030 B
Lab Filtration & Acidification	SM 3030 B

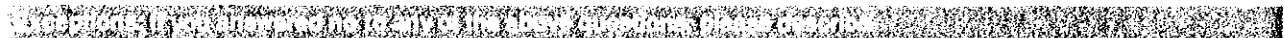
**Resource Engineering, Inc.**  
 872-2.0

ACZ Project ID: L77342  
 Date Received: 8/6/2009  
 Received By:  
 Date Printed: 8/6/2009

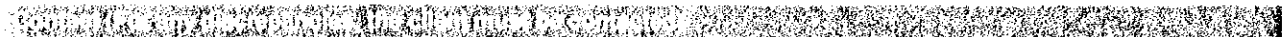


- 1) Does this project require special handling procedures such as CLP protocol?
- 2) Are the custody seals on the cooler intact?
- 3) Are the custody seals on the sample containers intact?
- 4) Is there a Chain of Custody or other directive shipping papers present?
- 5) Is the Chain of Custody complete?
- 6) Is the Chain of Custody in agreement with the samples received?
- 7) Is there enough sample for all requested analyses?
- 8) Are all samples within holding times for requested analyses?
- 9) Were all sample containers received intact?
- 10) Are the temperature blanks present?
- 11) Is the trip blank for Cyanide present?
- 12) Is the trip blank for VOA present?
- 13) Are samples requiring no headspace, headspace free?
- 14) Do the samples that require a Foreign Soils Permit have one?

YES	NO	NA
		X
X		
		X
X		
X		
X		
X		
X		
		X
		X
		X
		X
		X



The project was entered for the DW-Phase-II/V per the information present on the sample bag.

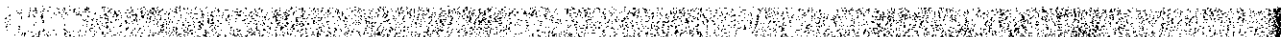


The client was not contacted.



Cooler Id	Temp (°C)	Rad (µR/hr)
2298	5.4	12

Client must contact ACZ Project Manager if analysis should not proceed for samples received outside of thermal preservation acceptance criteria.



Resource Engineering, Inc.  
 872-2.0

ACZ Project ID: L77342  
 Date Received: 8/6/2009  
 Received By:

SAMPLE	CLIENT ID	R < 2	G < 2	BK < 2	Y < 2	YG < 2	B < 2	O < 2	T > 12	N/A	RAD	ID
L77342-01	GABOSI WELL	Y			Y							

Abbreviation	Description	Container Type	Preservative/Limits
R	Raw/Nitric	RED	pH must be < 2
B	Filtered/Sulfuric	BLUE	pH must be < 2
BK	Filtered/Nitric	BLACK	pH must be < 2
G	Filtered/Nitric	GREEN	pH must be < 2
O	Raw/Sulfuric	ORANGE	pH must be < 2
P	Raw/NaOH	PURPLE	pH must be > 12 *
T	Raw/NaOH Zinc Acetate	TAN	pH must be > 12
Y	Raw/Sulfuric	YELLOW	pH must be < 2
YG	Raw/Sulfuric	YELLOW GLASS	pH must be < 2
N/A	No preservative needed	Not applicable	
RAD	Gamma/Beta dose rate	Not applicable	must be < 250 µR/hr

\* pH check performed by analyst prior to sample preparation

Sample IDs Reviewed By: \_\_\_\_\_



Laboratories, Inc.

L77340

CHAIN of CUSTODY

2773 Downhill Drive Steamboat Springs, CO 80487 (800) 334-5493

Report to:

Name: Ryan McBride
Company: Resource Engineering
E-mail: rmcbride@resource-eng.com

Address: 909 Colorado Ave
Telephone: 970-945-6777

Copy of Report to:

Name:
Company:

E-mail:
Telephone:

Invoice to:

Name: Melody Morris
Company: Resource Engineering
E-mail: melody@resource-eng.com

Address: 909 Colorado Ave
Telephone: 970-945-6777

If sample(s) received past holding time (HT), or if insufficient HT remains to complete analysis before expiration, shall ACZ proceed with requested short HT analyses? YES NO
If "NO" then ACZ will contact client for further instruction. If neither "YES" nor "NO" is indicated, ACZ will proceed with the requested analyses, even if HT is expired, and data will be qualified.

Are samples for CO DW Compliance Monitoring? YES NO
If yes, please include state forms. Results will be reported to PQL.

PROJECT INFORMATION

ANALYSES REQUESTED (attach list or use quote number)

Quote #: Babassi
Project/PO #: 872-20
Reporting state for compliance testing:
Sampler's Name: Ryan McBride
Are any samples NRC licensable material? Yes No

# of Containers

Table with columns: SAMPLE IDENTIFICATION, DATE:TIME, Matrix, and multiple columns for ANALYSES REQUESTED. Row 1: Babassi Well, 8/10/09 2:15, GW, 7.

Matrix SW (Surface Water) · GW (Ground Water) · WW (Waste Water) · DW (Drinking Water) · SL (Sludge) · SO (Soil) · OL (Oil) · Other (Specify)

REMARKS

Please refer to ACZ's terms & conditions located on the reverse side of this COC.

Table with columns: RELINQUISHED BY, DATE:TIME, RECEIVED BY, DATE:TIME. Row 1: Ryan McBride, 8/10/09 2:15, LPL, 8-10-09 10:41

**BOWLES WELL NO. 2**

OFFICE OF THE STATE ENGINEER  
COLORADO DIVISION OF WATER RESOURCES

818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203  
(303) 866-3581

EXST

WELL PERMIT NUMBER 68856 -F-  
DIV. 5 WD 39 DES. BASIN MD

APPLICANT

Lot: 1 Block: Filing: Subdiv: GABOSI EXEMPTION

ROCKY GABOSI  
44523 HIGHWAY 6  
GLENWOOD SPRINGS, CO 81601-

(970) 945-9673

APPROVED WELL LOCATION

GARFIELD COUNTY  
NW 1/4 NW 1/4 Section 35  
Township 5 S Range 90 W Sixth P.M.

DISTANCES FROM SECTION LINES

1250 Ft. from North Section Line  
960 Ft. from West Section Line

UTM COORDINATES (Meters, Zone: 13, NAD83)

Easting: Northing:

CHANGE/EXPANSION OF USE OF AN EXISTING WELL

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT

CONDITIONS OF APPROVAL

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
- 3) Approved pursuant to CRS 37-90-137(2) on the condition that this well is operated in accordance with the Bowles, Dorothy L Estate Augmentation Plan approved by the Division 5 Water Court in case no. 97CW162. If this well is not operated in accordance with the terms of said decree, it will be subject to administration including orders to cease diverting water.
- 4) Approved as a well on a tract of land of 20.22 acres described as that portion of the NW 1/4, Sec. 35, Twp. 5 South, Rng. 90 West, 6th P.M., (aka lot 1, Gabossi Exemption), Garfield County, more particularly described on the attached exhibit A. This well is identified as the Bowles Well no. 2.
- 5) Approved for the installation of a pump in, and the use of, an existing well, constructed on August 1, 2002, to a depth of 220 feet, under permit no. 56101-F (canceled). Issuance of this permit hereby cancels permit no. 56101-F.
- 6) The use of ground water from this well is limited to ordinary household purposes inside seven (7) single family dwellings. The ground water shall not be used for irrigation or other purposes.
- 7) The maximum pumping rate of this well shall not exceed 25 GPM.
- 8) The annual amount of ground water to be appropriated by this well (Bowles Well no. 2) shall not exceed 2.8 acre-feet. Additionally the combined annual amount of ground water to be appropriated by the Bowles Well nos. 1 through 6 shall not exceed 12.0 acre-feet.
- 9) The return flow from the use of this well must be through an individual waste water disposal system of the non-evaporative type where the water is returned to the same stream system in which the well is located.
- 10) Totalizing flow meters must be installed on this well (Bowles Well no. 2) and the Bowles Well nos. 1, 3, 4, 5 & 6 and maintained in good working order. Permanent records of all diversions must be maintained by the well owner (recorded at least annually) and submitted to the Division Engineer upon request.
- 11) The owner shall mark the well in a conspicuous place with well permit number(s), name of the aquifer, and court case number(s) as appropriate. The owner shall take necessary means and precautions to preserve these markings.
- 12) This well shall be located not more than 200 feet from the location specified on this permit and at least 600 feet from any existing well, excluding permit no. 52966 (aka Bowles Well, Division 5 Water Court, case no. W-1358), completed in the same aquifer, that is not owned by the applicant.

NOTE: Parcel Identification Number (PIN): 23-2123-352-00-185  
NOTE: Assessor Tax Schedule Number: R040428 (totaling 20.22 acres)

*J m m*  
12/22/2009

APPROVED  
DMW

*Dick Wolfe*  
State Engineer

*Digit M. Whitcomb*  
By

Receipt No. 9503336

DATE ISSUED 12-22-2009

EXPIRATION DATE

February 10, 2010

Report to:

Ryan McBride  
Resource Engineering, Inc.  
909 Colorado Ave.  
Glenwood Springs, CO 81601

Bill to:

Accounts Payable  
Resource Engineering, Inc.  
909 Colorado Ave.  
Glenwood Springs, CO 81601

Project ID: 872-2.0  
ACZ Project ID: L80470

Ryan McBride:

Enclosed are the analytical results for sample(s) submitted to ACZ Laboratories, Inc. (ACZ) on January 28, 2010. This project has been assigned to ACZ's project number, L80470. Please reference this number in all future inquiries.

All analyses were performed according to ACZ's Quality Assurance Plan. The enclosed results relate only to the samples received under L80470. Each section of this report has been reviewed and approved by the appropriate Laboratory Supervisor, or a qualified substitute.

Except as noted, the test results for the methods and parameters listed on ACZ's current NELAC certificate letter (#ACZ) meet all requirements of NELAC.

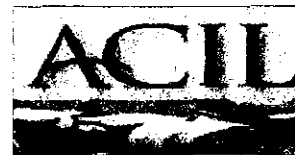
This report shall be used or copied only in its entirety. ACZ is not responsible for the consequences arising from the use of a partial report.

All samples and sub-samples associated with this project will be disposed of after March 10, 2010. If the samples are determined to be hazardous, additional charges apply for disposal (typically less than \$10/sample). If you would like the samples to be held longer than ACZ's stated policy or to be returned, please contact your Project Manager or Customer Service Representative for further details and associated costs. ACZ retains analytical reports for five years.

If you have any questions or other needs, please contact your Project Manager.



Sue Webber has reviewed and approved this report.





Resource Engineering, Inc.

February 10, 2010

Project ID: 872-2.0

ACZ Project ID: L80470

**Sample Receipt**

ACZ Laboratories, Inc. (ACZ) received 1 ground water sample from Resource Engineering, Inc. on January 28, 2010. The sample was received in good condition. Upon receipt, the sample custodian removed the sample from the cooler, inspected the contents, and logged the sample into ACZ's computerized Laboratory Information Management System (LIMS). The sample was assigned ACZ LIMS project number L80470. The custodian verified the sample information entered into the computer against the chain of custody (COC) forms and sample bottle labels.

**Holding Times**

All analyses were performed within EPA recommended holding times.

**Sample Analysis**

This sample was analyzed for inorganic parameters. The individual methods are referenced on both, the ACZ invoice and the analytical reports. The following anomaly required further explanation not provided by the Extended Qualifier Report:

1. For the fecal coliform value flagged with an "N1", the sample plate was placed in the water bath facing up instead of down, as prescribed in the method. The data may be compromised.

**Resource Engineering, Inc.**

Project ID: 872-2.0  
 Sample ID: GABOSI WELL

ACZ Sample ID: **L80470-01**  
 Date Sampled: 01/27/10 15:30  
 Date Received: 01/28/10  
 Sample Matrix: Ground Water

*Bowles Well No. 2*

**Inorganic Prep**

Parameter	EPA Method	Result	Qual	XQ	Units	MDL	PQL	Date	Analyst
Phosphorus, dissolved	M365.1 - Auto Ascorbic Acid Digestion							02/05/10 14:22	skg
Phosphorus, total	M365.1 - Auto Ascorbic Acid Digestion							02/01/10 14:30	skg
Total Recoverable Digestion	M200.2 ICP-MS							02/03/10 12:07	jjc
Total Recoverable Digestion	M200.2 ICP							02/02/10 18:36	ear

**Metals Analysis**

Parameter	EPA Method	Result	Qual	XQ	Units	MDL	PQL	Date	Analyst
Aluminum, total recoverable	M200.7 ICP		U		mg/L	0.03	0.2	02/04/10 13:58	aeh
Barium, total recoverable	M200.7 ICP	0.020	B		mg/L	0.003	0.02	02/03/10 17:51	ear
Cadmium, total recoverable	M200.7 ICP		U		mg/L	0.005	0.02	02/03/10 17:51	ear
Calcium, dissolved	M200.7 ICP	56.9			mg/L	0.2	1	02/01/10 18:35	aeh
Chromium, total recoverable	M200.7 ICP		U		mg/L	0.01	0.05	02/03/10 17:51	ear
Copper, total recoverable	M200.8 ICP-MS		U		mg/L	0.0005	0.003	02/03/10 23:36	msh
Iron, total recoverable	M200.7 ICP	0.12			mg/L	0.02	0.05	02/03/10 17:51	ear
Lead, total recoverable	M200.8 ICP-MS	0.0004	B		mg/L	0.0001	0.0005	02/03/10 23:36	msh
Magnesium, dissolved	M200.7 ICP	15.0			mg/L	0.2	1	02/01/10 18:35	aeh
Manganese, total recoverable	M200.7 ICP	0.024	B		mg/L	0.005	0.03	02/03/10 17:51	ear
Mercury, total	M245.1 CVAA		U		mg/L	0.0002	0.001	02/09/10 20:46	pmc
Potassium, dissolved	M200.7 ICP	6.0			mg/L	0.3	2	02/01/10 18:35	aeh
Selenium, total recoverable	M200.8 ICP-MS		U		mg/L	0.0001	0.0005	02/03/10 23:36	msh
Silver, total recoverable	M200.8 ICP-MS		U		mg/L	0.00005	0.0003	02/03/10 23:36	msh
Sodium, dissolved	M200.7 ICP	58.9		*	mg/L	0.3	2	02/01/10 18:35	aeh
Zinc, total recoverable	M200.7 ICP		U		mg/L	0.01	0.05	02/03/10 17:51	ear

**Resource Engineering, Inc.**

Project ID: 872-2.0  
 Sample ID: GABOSI WELL

ACZ Sample ID: **L80470-01**  
 Date Sampled: 01/27/10 15:30  
 Date Received: 01/28/10  
 Sample Matrix: Ground Water

Wet Chemistry

Parameter	EPA Method	Result	Qual	XC	Units	MDL	Pct	Date	Analyst
Alkalinity as CaCO3	SM2320B - Titration								
Bicarbonate as CaCO3		218			mg/L	2	20	02/01/10 0:00	jjc
Carbonate as CaCO3		2	B		mg/L	2	20	02/01/10 0:00	jjc
Hydroxide as CaCO3			U		mg/L	2	20	02/01/10 0:00	jjc
Total Alkalinity		221			mg/L	2	20	02/01/10 0:00	jjc
Cation-Anion Balance	Calculation								
Cation-Anion Balance		1.5			%			02/10/10 0:00	calc
Sum of Anions		6.6			meq/L	0.1	0.5	02/10/10 0:00	calc
Sum of Cations		6.8			meq/L	0.1	0.5	02/10/10 0:00	calc
Chloride	SM4500Cl-E	3	B	*	mg/L	1	5	02/08/10 15:52	aml
Coliforms, fecal	SM9222D - Membrane Filter	0		*	#/100ml	1	5	01/28/10 11:34	jjc
Color	HACH Color Wheel		U	*	Co/Pt	5	5	01/28/10 11:50	jjc
Conductivity @25C	SM2510B	609			umhos/cm	1	10	02/01/10 18:41	jjc
Fluoride	SM4500F-C	0.4	B	*	mg/L	0.1	0.5	02/01/10 19:17	jjc
Hardness as CaCO3	SM2340B - Calculation	204			mg/L	1	7	02/10/10 0:00	calc
Lab Filtration	SM 3030 B			*				01/28/10 12:50	jjc
Lab Filtration & Acidification	SM 3030 B			*				01/28/10 14:20	skg
Lab Filtration & Acidification	SM 3030 B			*				01/28/10 13:17	aeh
Nitrate as N, dissolved	Calculation: NO3NO2 minus NO2		U		mg/L	0.02	0.1	02/10/10 0:00	calc
Nitrate/Nitrite as N, dissolved	M353.2 - Automated Cadmium Reduction		U		mg/L	0.02	0.1	01/28/10 19:42	pjb
Nitrite as N, dissolved	M353.2 - Automated Cadmium Reduction		U	*	mg/L	0.01	0.05	01/28/10 19:42	pjb
Nitrogen, ammonia	M350.1 - Automated Phenate	0.07	B	*	mg/L	0.05	0.5	02/03/10 19:41	pjb
pH (lab)	SM4500H+ B								
pH		8.3	H		units	0.1	0.1	02/01/10 0:00	jjc
pH measured at		23.0			C	0.1	0.1	02/01/10 0:00	jjc
Phosphorus, dissolved	M365.1 - Auto Ascorbic Acid (digest)		U	*	mg/L	0.01	0.05	02/05/10 22:32	pjb
Phosphorus, ortho dissolved	M365.1 - Automated Ascorbic Acid	0.02	B	*	mg/L	0.01	0.05	01/28/10 21:29	pjb
Phosphorus, total	M365.1 - Auto Ascorbic Acid (digest)		U	*	mg/L	0.01	0.05	02/03/10 11:22	ccp
Residue, Filterable (TDS) @180C	SM2540C	380			mg/L	10	20	01/29/10 14:58	jjc
Sulfate	SM4500 SO4-D	100			mg/L	10	50	02/04/10 10:35	abm
TDS (calculated)	Calculation	373			mg/L	10	50	02/10/10 0:00	calc
TDS (ratio - measured/calculated)	Calculation	1.02						02/10/10 0:00	calc
Turbidity	M180.1 - Nephelometric	0.8		*	NTU	0.1	0.5	01/28/10 12:09	jjc

### QC Types/Explanations

Batch	A distinct set of samples analyzed at a specific time
Found	Value of the QC Type of interest
Limit	Upper limit for RPD, in %.
Lower	Lower Recovery Limit, in % (except for LCSS, mg/Kg)
MDL	Method Detection Limit. Same as Minimum Reporting Limit. Allows for instrument and annual fluctuations.
PCN/SCN	A number assigned to reagents/standards to trace to the manufacturer's certificate of analysis
PQL	Practical Quantitation Limit, typically 5 times the MDL.
QC	True Value of the Control Sample or the amount added to the Spike
Rec	Amount of the true value or spike added recovered, in % (except for LCSS, mg/Kg)
RPD	Relative Percent Difference, calculation used for Duplicate QC Types
Upper	Upper Recovery Limit, in % (except for LCSS, mg/Kg)
Sample	Value of the Sample of interest

### QC Sample Types

AS	Analytical Spike (Post Digestion)	LCSWD	Laboratory Control Sample - Water Duplicate
ASD	Analytical Spike (Post Digestion) Duplicate	LFB	Laboratory Fortified Blank
CCB	Continuing Calibration Blank	LFM	Laboratory Fortified Matrix
CCV	Continuing Calibration Verification standard	LFMD	Laboratory Fortified Matrix Duplicate
DUP	Sample Duplicate	LRB	Laboratory Reagent Blank
ICB	Initial Calibration Blank	MS	Matrix Spike
ICV	Initial Calibration Verification standard	MSD	Matrix Spike Duplicate
ICSAB	Inter-element Correction Standard - A plus B solutions	PBS	Prep Blank - Soil
LCSS	Laboratory Control Sample - Soil	PBW	Prep Blank - Water
LCSSD	Laboratory Control Sample - Soil Duplicate	PQV	Practical Quantitation Verification standard
LCSW	Laboratory Control Sample - Water	SDL	Serial Dilution

### QC Sample Type Explanations

Blanks	Verifies that there is no or minimal contamination in the prep method or calibration procedure.
Control Samples	Verifies the accuracy of the method, including the prep procedure.
Duplicates	Verifies the precision of the instrument and/or method.
Spikes/Fortified Matrix	Determines sample matrix interferences, if any.
Standard	Verifies the validity of the calibration.

### Qualifiers (Clal)

B	Analyte concentration detected at a value between MDL and PQL. The associated value is an estimated quantity.
H	Analysis exceeded method hold time. pH is a field test with an immediate hold time.
U	The material was analyzed for, but was not detected above the level of the associated value. The associated value is either the sample quantitation limit or the sample detection limit.

### References

- (1) EPA 600/4-83-020. Methods for Chemical Analysis of Water and Wastes, March 1983.
- (2) EPA 600/R-93-100. Methods for the Determination of Inorganic Substances in Environmental Samples, August 1993.
- (3) EPA 600/R-94-111. Methods for the Determination of Metals in Environmental Samples - Supplement I, May 1994.
- (5) EPA SW-846. Test Methods for Evaluating Solid Waste, Third Edition with Update III, December 1996.
- (6) Standard Methods for the Examination of Water and Wastewater, 19th edition, 1995 & 20th edition (1998).

### Notes

- (1) QC results calculated from raw data. Results may vary slightly if the rounded values are used in the calculations.
- (2) Soil, Sludge, and Plant matrices for inorganic analyses are reported on a dry weight basis.
- (3) Animal matrices for Inorganic analyses are reported on an "as received" basis.
- (4) An asterisk in the "XQ" column indicates there is an extended qualifier and/or certification qualifier associated with the result.

For a complete list of ACZ's Extended Qualifiers, please click:

<http://www.acz.com/public/extqualist.pdf>

Resource Engineering, Inc.

ACZ Project ID: **L80470**

ACZ ID	WORKSHEET	PARAMETER	METHOD	QUAL	DESCRIPTION
L80470-01	WG277484	Sodium, dissolved	M200.7 ICP	M3	The spike recovery value is unusable since the analyte concentration in the sample is disproportionate to the spike level. The recovery of the associated control sample (LCS or LFB) was acceptable.
	WG277726	Chloride	SM4500Cl-E	M2	Matrix spike recovery was low, the recovery of the associated control sample (LCS or LFB) was acceptable.
	WG277378	Coliforms, fecal	SM9222D - Membrane Filter	N1	See Case Narrative.
	WG277384	Color	HACH Color Wheel	RA	Relative Percent Difference (RPD) was not used for data validation because the sample concentration is too low for accurate evaluation (< 10x MDL).
	WG277486	Fluoride	SM4500F-C	RA	Relative Percent Difference (RPD) was not used for data validation because the sample concentration is too low for accurate evaluation (< 10x MDL).
	WG277410	Nitrite as N, dissolved	M353.2 - Automated Cadmium Reduction	RA	Relative Percent Difference (RPD) was not used for data validation because the sample concentration is too low for accurate evaluation (< 10x MDL).
	WG277597	Nitrogen, ammonia	M350.1 - Automated Phenate	RA	Relative Percent Difference (RPD) was not used for data validation because the sample concentration is too low for accurate evaluation (< 10x MDL).
	WG277702	Phosphorus, dissolved	M365.1 - Auto Ascorbic Acid (digest)	RA	Relative Percent Difference (RPD) was not used for data validation because the sample concentration is too low for accurate evaluation (< 10x MDL).
	WG277414	Phosphorus, ortho dissolved	M365.1 - Automated Ascorbic Acid	M1	Matrix spike recovery was high, the recovery of the associated control sample (LCS or LFB) was acceptable.
			M365.1 - Automated Ascorbic Acid	RA	Relative Percent Difference (RPD) was not used for data validation because the sample concentration is too low for accurate evaluation (< 10x MDL).
	WG277563	Phosphorus, total	M365.1 - Auto Ascorbic Acid (digest)	RA	Relative Percent Difference (RPD) was not used for data validation because the sample concentration is too low for accurate evaluation (< 10x MDL).
	WG277389	Turbidity	M180.1 - Nephelometric	RA	Relative Percent Difference (RPD) was not used for data validation because the sample concentration is too low for accurate evaluation (< 10x MDL).

Resource Engineering, Inc.

ACZ Project ID: **L80470**

Wet Chemistry

The following parameters are required for Certification of a lab covered by this ACZ Certificate #ACZ

Coliforms, fecal	SM9222D - Membrane Filter
Color	HACH Color Wheel
Lab Filtration	SM 3030 B
Lab Filtration & Acidification	SM 3030 B

Resource Engineering, Inc.  
 872-2.0

ACZ Project ID: L80470  
 Date Received: 01/28/10 0:00  
 Received By: gac  
 Date Printed: 1/28/2010



- 1) Does this project require special handling procedures such as CLP protocol?
- 2) Are the custody seals on the cooler intact?
- 3) Are the custody seals on the sample containers intact?
- 4) Is there a Chain of Custody or other directive shipping papers present?
- 5) Is the Chain of Custody complete?
- 6) Is the Chain of Custody in agreement with the samples received?
- 7) Is there enough sample for all requested analyses?
- 8) Are all samples within holding times for requested analyses?
- 9) Were all sample containers received intact?
- 10) Are the temperature blanks present?
- 11) Are the trip blanks (VOA and/or Cyanide) present?
- 12) Are samples requiring no headspace, headspace free?
- 13) Do the samples that require a Foreign Soils Permit have one?

YES	NO	NA
		X
X		
		X
X		
X		
X		
X		
X		
		X
		X
		X
		X



N/A



N/A



Cooler Id	Temp (°C)	Rad (µR/hr)
1776	1.8	13

Client must contact ACZ Project Manager if analysis should not proceed for samples received outside of thermal preservation acceptance criteria.



Resource Engineering, Inc.  
 872-2.0

ACZ Project ID: L80470  
 Date Received: 01/28/10 0:00  
 Received By: gac

SAMPLE	CLIENT ID	R < 2	G < 2	BK < 2	Y < 2	YG < 2	B < 2	O < 2	T > 12	N/A	RAD	ID
L80470-01	GABOSSI WELL	Y			Y							

Abbreviation	Description	Container Type	Preservative/Limits
R	Raw/Nitric	RED	pH must be < 2
B	Filtered/Sulfuric	BLUE	pH must be < 2
BK	Filtered/Nitric	BLACK	pH must be < 2
G	Filtered/Nitric	GREEN	pH must be < 2
O	Raw/Sulfuric	ORANGE	pH must be < 2
P	Raw/NaOH	PURPLE	pH must be > 12 *
T	Raw/NaOH Zinc Acetate	TAN	pH must be > 12
Y	Raw/Sulfuric	YELLOW	pH must be < 2
YG	Raw/Sulfuric	YELLOW GLASS	pH must be < 2
N/A	No preservative needed	Not applicable	
RAD	Gamma/Beta dose rate	Not applicable	must be < 250 µR/hr

\* pH check performed by analyst prior to sample preparation

Sample IDs Reviewed By: gac





Laboratories, Inc.

600470

2773 Downhill Drive Steamboat Springs, CO 80487 (800) 334-5493

CHAIN of CUSTODY

Report to:

Name: Ryan McBride
Company: Resource Engineering
E-mail: rmcbride@resource-eng.com

Address: 909 Colorado Ave
Telephone: 970-945-6777

Copy of Report to:

Name:
Company:

E-mail:
Telephone:

Invoice to:

Name: Melody Morris
Company: Resource Engineering
E-mail: rmcbride@resource-eng.com

Address: 909 Colorado Ave
Telephone: 970-945-6777

If sample(s) received past holding time (HT), or if insufficient HT remains to complete analysis before expiration, shall ACZ proceed with requested short HT analyses? YES NO
If "NO" then ACZ will contact client for further instruction. If neither "YES" nor "NO" is indicated, ACZ will proceed with the requested analyses, even if HT is expired, and data will be qualified.

Are samples for CO DW Compliance Monitoring? YES NO
If yes, please include state forms. Results will be reported to PQL.

PROJECT INFORMATION

ANALYSES REQUESTED (attach list or use quote number)

Table with columns for Quote #, Project/PO #, Reporting state, Sampler's Name, Matrix, and a grid for analyses requested. Includes handwritten entry for Gabors Well.

Matrix SW (Surface Water) · GW (Ground Water) · WW (Waste Water) · DW (Drinking Water) · SL (Sludge) · SO (Soil) · OL (Oil) · Other (Specify)

REMARKS

Blank area for remarks.

Please refer to ACZ's terms & conditions located on the reverse side of this COC.

Table with columns for RELINQUISHED BY, DATE:TIME, RECEIVED BY, DATE:TIME. Includes handwritten signatures and dates.

**CASE NO. 97CW182**

DISTRICT COURT, WATER DIVISION NO. 5, COLORADO

Case No. 97CW162

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RULING OF REFEREE

---

IN THE MATTER OF THE APPLICATION FOR SURFACE WATER RIGHT, STORAGE  
WATER RIGHT AND PLAN FOR AUGMENTATION OF:

ESTATE OF DOROTHY L. BOWLES

IN GARFIELD COUNTY, COLORADO

---

The above entitled Application was filed in July of 1997, amended and was referred to the undersigned as Water Referee for Water Division No. 5, State of Colorado, by the Water Judge of said Court in accordance with Article 92 of Chapter 37, Colorado Revised Statutes 1973, known as the Water Right Determination and Administration Act of 1969.

The undersigned referee having made such investigations are necessary to determine whether or not the statements in the Amended application are true and having become fully advised with respect to the subject matter of the Amended Application does hereby make the following determination in this matter, to wit:

1. The statements in the Amended Application are true.
2. Name, address and telephone number of Applicant:

Dorothy L. Bowles Estate  
c/o Terry Duprey, Administrator  
44523 Highway 6  
Glenwood Springs, CO 81601

c/o Billie Burchfield  
Attorney for Applicant  
802 Grand Avenue, Suite 305  
Glenwood Springs, CO 81601  
(970) 945-8818

3. Timely statements of Opposition were filed on behalf of Greg Mc Kennis and the Williams Canal Company. the Ruling herein addresses the concerns of the Opponents. The time for filing Statements of Opposition has expired.

4. The Applicant requests that the following claims be awarded:

Page 2 Case No. 97CW162 Division 5 Water Court

CLAIM NO. 1

SURFACE WATER RIGHT

5. Name of Structure: Bowles Diversion ✓
6. Legal description of point of diversion: The point of diversion from a natural gulch known as Bowles Gulch is located at a point in said natural gulch from whence the West Quarter Corner of Section 35, Township 5 South, Range 90 West of the 6th P.M. bears South 46°29' West 1358.28 feet.
7. Source: The source of the water is from the seepage, run-off and drainage in Bowles Gulch, tributary to the Colorado River.
8. A. Date of initiation of appropriation: July 8, 1997.  
B. How appropriation was initiated: By consultation with professional engineer and an intent to appropriate.  
C. Date water applied to beneficial use: N/A
9. Amount claimed: 0.5 c.f.s., conditional
10. Proposed use: Domestic, livestock watering, wildlife watering, fire protection and storage in Bowles Pond, First Enlargement.
11. Name and address of owner of land on which point of diversion and place of use are located: Applicant

CLAIM NO. 2

STORAGE WATER RIGHT

12. Name of Structure: Bowles Pond, First Enlargement ✓
13. Legal description of place of storage:  

The center of Bowles Pond is in Section 35, Township 5 South, Range 90 West of the 6th P.M., at a point 1000 feet from the West section line and 1750 feet from the North section line of said Section 35.
14. Source: The source of the water to fill Bowles Pond is via Bowles Diversion which collects the spring, run-off and seepage water in Bowles Gulch, tributary to the Colorado River.

Apr 21 09 03.34p

945-2469

p.4

Page 3 Case No. 97CW162 Division 5 Water Court

15. Date of initiation of appropriation: July 8, 1997

How appropriation was initiated: By consultation with professional engineer and an intent to appropriate

Date water applied to beneficial use: N/A

16. Amount claimed: 2.5 AF, conditional, with the right to fill and refill in priority.

17. Uses claimed: Fish culture, livestock and wildlife watering, fire protection and augmentation.

18. Surface area of high water line: 0.40 Acres  
Maximum height of dam: 11 feet  
Length of dam: 105 feet

19. Total capacity: 2.5 AF  
Active storage: 2.5 AF  
Dead storage: -0-

20. Name and address of owner of land on which structure is located: Applicant

CLAIM NO. 3

PLAN FOR AUGMENTATION

21. STRUCTURES TO BE AUGMENTED:

Bowles Well Nos. 1-6; Said wells will be located on Applicant's 60 acres of land generally located in the NW<sup>1/4</sup> of Section 35, Township 5 South, Range 90 West of the 6th P.M. and more particularly described in Book 208 at Page 170 in the Garfield County Clerk and Recorder's Office.

22. USES TO BE AUGMENTED:

Domestic in-house use in 30 single family dwellings

23. SOURCE OF AUGMENTATION WATER:

Storage water in Bowles Pond, First Enlargement as applied for herein.

## Page 4 Case No. 97CW162 Division 5 Water Court

## 24. PLAN FOR AUGMENTATION:

Applicant's engineer has determined that domestic in-house use in thirty (30) single family units will result in an annual depletion to the Colorado River of 1.20 acre feet or 0.10 AF per month. Depletions are based on an occupancy of 3.5 persons per unit using of 100 gallons of water per person per day utilizing septic tanks and leach fields which results in consumptive use of 10%.

Applicant's engineer has also determined that the net evaporation losses from the surface of said pond is expected to be 37.23 inches per year as follows:

Month	Net Evaporation Losses in AF	Domestic Losses in AF	Total Losses in AF
January	0.024	0.1	0.124
February	0.032	0.1	0.132
March	0.064	0.1	0.164
April	0.112	0.1	0.212
May	0.160	0.1	0.260
June	0.200	0.1	0.300
July	0.208	0.1	0.308
August	0.176	0.1	0.276
September	0.128	0.1	0.228
October	0.080	0.1	0.180
November	0.040	0.1	0.140
December	0.024	0.1	0.124
Total	1.248	1.20	2.448

At such times as there is a valid "call" on Canyon Creek or the Colorado River by holders of senior vested water rights, releases of water will be made from Bowles Pond, First Enlargement into Canyon Creek to compensate for the depletions caused by the domestic use described above and the evaporation losses from Bowles Pond, First Enlargement.

## REFEREE FINDINGS

The Referee, having examined the information submitted by the Applicant, and having completed the investigations necessary to make a determination in this matter, does therefore conclude that the claims in the above entitled Application should be, and hereby are, granted as shown above, SUBJECT HOWEVER, TO ALL EARLIER PRIORITY RIGHTS OF OTHERS and to the integration and tabulation by the Division Engineer of such priorities in accordance with law.

## Page 5 Case No. 97CW162 Division 5 Water Court

Application for a Finding of Reasonable Diligence shall be filed in the same month as the Decree herein is entered every six years after the entry of the Decree herein so long as Applicant desires to maintain the conditional water rights herein awarded or until a determination has been made that such conditional rights are made absolute by reason of the completion of the appropriations, or are otherwise disposed of.

The Plan for Augmentation requested will not injuriously affect the owners of or person entitled to use water under a vested water right or a decreed conditional water right, and this plan for augmentation is approved in accordance with C.R.S. 37-92-305(3).

Pursuant to C.R.S. 37-92-305(8), The State Engineer and the Division Engineer may lawfully be required under the terms of this Ruling to curtail out-of-priority diversions from Applicant's wells and pond at any time when the consumptive use associated with Applicant's diversion exceed the net amount of replacement water available under this plan for augmentation.

Prior to operation of these wells for the proposed uses, well permits issued pursuant to C.R.S. 37-90-137(2) and this plan for augmentation must be obtained.

Applicant shall develop a monthly accounting form satisfactory to the Division Engineer and shall keep a monthly accounting of diversions and depletions as required by the Division Engineer.

The Applicant shall install such measuring devices as may be required by the Division Engineer to facilitate the operation of this plan for augmentation and assure compliance herewith. Applicant shall designate a homeowner-representative responsible for filing an annual report with the Division Engineer by November 15th of each year summarizing diversions and replacements made under this plan.

Nothing herein shall require the Williams Canal Company to bypass water into Bowles Gulch for the purpose of providing water for the Bowles Diversion, Bowles Pond, First Enlargement and/or the Plan for Augmentation described above. Some of the water in Bowles Gulch maybe waste water spilled or derived from the Williams Canal. By appropriating of seepage, run-off and drainage in Bowles Gulch as claimed in the Amended Application filed herein, Applicant does not obtain the right to compel the continuation of waste water discharges into the Bowles Gulch by Williams Canal Company. Waste water discharges by the Williams Canal Company maybe discontinued or altered in time, amount, or location at any time for any reason. Nothing herein shall prevent Applicant from calling for delivery of any ownership interest held by Applicant as shares in the Williams Canal Company.

Page 6 Case No. 97CW162 Division 5 Water Court

It is accordingly ORDERED that this Ruling shall be filed with the Water Clerk subject to Judicial review.

It is further ORDERED that a copy of this Ruling shall be filed with the appropriate Division Engineer and the State Engineer.

Dated November 9, 1998

Copy of the foregoing mailed to all  
Counsel of record ~~Water~~  
Referee ~~Div. Engineer~~ and  
State Engineer ~~Date~~ 11-9-98

DM  
Deputy Clerk, Water Div. No. 5

*Burchfield Hermundstad*  
*McKennis*

BY THE REFEREE:



Water Referee  
Water Division No. 5  
State of Colorado

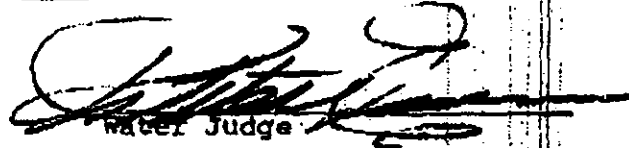
No protest was filed in this matter, and accordingly the foregoing Ruling is confirmed and approved, and is made the Judgment and Decree of this Court; provided however, that the approval of this Plan for Augmentation shall be subject to reconsideration by the Water Judge on the question of injury to the vested rights of others during any hearing commencing in the two calendar years succeeding the year in which this decision is rendered. THE MONTH FOR FILING AN APPLICATION FOR A FINDING OF REASONABLE DILIGENCE SHALL BE DECEMBER 2004

Dated 12/2/98

Copy of the foregoing mailed to all  
Counsel of record ~~Water~~  
Referee ~~Div. Engineer~~ and  
State Engineer ~~Date~~ 12-2-98

DM  
Deputy Clerk, Water Div. No. 5

Burchfield  
McKennis  
Hermundstad



Water Judge



**BEATTIE WILDLIFE CONSULTING**  
**1546 East 12<sup>th</sup> Street**  
**Rifle, CO 81650**

office: 970-625-0598  
fax: 970-625-0600  
cell: 970-379-1451

Kirk H. Beattie, Ph.D.  
e-mail: [wildlifebwc@sopris.net](mailto:wildlifebwc@sopris.net)

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April 24, 2009

John Taufer  
John L. Taufer & Associates  
909 Colorado Avenue  
P.O. Box 2271  
Glenwood Springs, Colorado 81602

Via U.S. Mail

Re: Wildlife Report for Old Orchard Subdivision

Dear John:

This letter shall serve as a Wildlife Report for the proposed 20-acre Old Orchard Subdivision (OSS). I have enclosed a CD containing a Word version of this letter.

Based on the information you provided to me, the OOS would have four lots with the following sizes: Lot 1 – 12.2 acres; Lot 2 – 2.3 acres; Lot 3 – 2.2 acres, and; Lot 4 (3.5 acres).

I visited the OOS on Tuesday, April 21, 2009. Lot 1 consists of an apple orchard, a pond, a house and outbuildings, native and planted hardwood trees and shrubs, and hillside juniper. Lot 4 consists entirely of irrigated pasture for on-site horses. Lot 2 is about one-half pasture and one-half hardwood and cedar trees. Lot 3 consists of a small orchard, a very small portion of the pasture, hardwood trees and shrubs, and hillside cedar trees. A north-south irrigation ditch parallels the western border of Lots 3 and 4.

My understanding is that the largest lot, number 1, will largely be unchanged, with the possible exception of construction of an accessory dwelling unit. Lot 1 contains the most valuable and diverse wildlife habitat on the 20-acre property. I believe that the developer/landowner intends to continue living on Lot 1.

You and the developer have done a very good job of laying out the subdivision to minimize disturbance to wildlife and their habitat. Ingress and egress are centralized and the building envelopes for Lots 2, 3, and 4 are clustered. Construction on Lots 2

and 4 will not result in the removal of native trees and shrubs. Construction on Lot 3 will require the removal of non-native trees and shrubs. However, I estimate that there would be less than one-half acre of variable-height forest removed as a result of construction.

The most important wildlife habitats on the OOS have been protected by design. These habitats include the apple orchard, pond and interspersed native and introduced trees and shrubs on Lot 1. Another habitat that has been protected is hillside juniper on the north portions of Lots 2 and 3. Again, you and the developer have done an outstanding job of planning a subdivision that will have virtually no direct impact on vegetation and habitat that are important to local wildlife.

Retaining virtually all of the trees and shrubs on the development will provide a visual and sound buffer for wildlife using habitat to the north of the OSS. I see no need for locational controls of land disturbance to benefit wildlife. Adequate controls are established and visually depicted in the Sketch Plan. The OOS will result in very little loss of native vegetation. Because there will be no disturbance of critical wildlife habitat, I do not believe that habitat compensation is warranted.

One issue I have dealt with professionally for decades is dogs running loose in subdivisions. I assume there will be protective covenants requiring homeowners to control their dogs. In my experience, dogs should not be a problem in a subdivision that has only four homeowners. Such small associations tend to develop social ties and are able to informally control the behavior of pets.

### **Selected Wildlife Species**

The Colorado Division of Wildlife (CDOW) maintains a wildlife habitat database that is accessible on the Internet. I reviewed habitat activity maps for locally important wildlife species.

The CDOW has mapped the OOS as being elk winter range and severe winter range. The OOS is not considered to be an elk winter concentration area, and it does not occur in an elk migration corridor. Elk occur in the vicinity of the OOS in winter, and they can cause homeowners problems. Elk will try to get into haystacks, they will feed on ornamental trees and shrubs, they will occasionally wipe out a section of fence, and they will browse on apple trees.

Mule deer are a common year-round resident of the general area of the OOS. This area is mapped as mule deer winter range, but it is not classified as being severe winter range or a deer winter concentration area. Mule deer use the OOS year-round. Like elk, mule deer can cause problems for landowners.

Wild turkeys occur in the general area of the OOS, particularly on the northerly reaches of Lot 1. The OOS is not mapped as turkey winter range, as a winter concentration area, as a roosting site, or as a breeding area. The closest wild turkey winter concentration area is several miles northeast of New Castle.

The OOS is considered by the CDOW to be within black bear overall range. The OOS occurs within a CDOW category called a Bear-Human Conflict Area, which means that the CDOW has received two or more problem bear reports each year from an area. The OOS does not occur in a black bear movement corridor, nor does it represent a spring or fall bear concentration area. Bears have previously been sighted north and east of the OOS, and in the apple orchard located on the southern part of Lot 1.

Both moose and Rocky Mountain bighorn sheep have been sighted previously in the general area of the OOS, particularly in the Canyon Creek drainage to the east of the OOS. The OOS does not occur in habitat that is considered to be bighorn sheep winter range, a migratory corridor, or a sheep production area. The closest mapped bighorn sheep winter range begins about 4 miles northeast of the proposed subdivision.

Though the OOS is considered to be within overall mountain lion range, the subdivision is not considered to be within a CDOW-mapped Lion-Human Conflict Area. Previous sightings of lions, and reports of lion problems, have primarily been on Silt Mesa.

#### **State-Federal Endangered, Threatened, and Special Concern Wildlife Species**

State and/or federal threatened and endangered vertebrate species of wildlife in Colorado include 8 mammals, 9 birds, and 1 amphibian. Based on currently available scientific information for each of these species, including relevant wildlife databases and inventories, I do not believe that any Colorado threatened or endangered species uses the OOS at any time of the year.

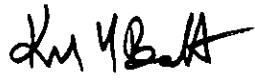
The state of Colorado has a special classification called "Species of Special Concern" that has been employed to describe species that are not threatened or endangered, but for which existing conditions and population trends suggest that special attention be paid to these species. Currently there are 5 mammals, 10 birds, 10 reptiles, and 6 amphibian species categorized as "Special Concern" by the CDOW. Based on currently available scientific information for each of these species, including relevant wildlife databases and inventories, I do not believe that any Colorado "Special Concern" species uses the OOS at any time of the year. The only exception may be potential use by the Northern Leopard Frog.

**Finding**

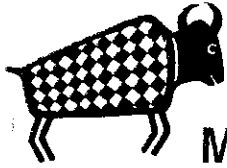
1. The applicant and his planner have done a great job of designing a small subdivision that will remove virtually no wildlife habitat, and that will buffer wildlife from the sights and sounds of human activity.
2. As designed, the OOS will have no measurable adverse impact on any wildlife population currently using the subdivision, nor will it result in a reduction in the range of any wildlife species, nor will it directly result in classification of a wildlife species as threatened or endangered.

Sincerely,

BEATTIE WILDLIFE CONSULTING

By:   
\_\_\_\_\_  
Kirk H. Beattie, Ph.D.

KHB/kb



**M A C**

**Metcalf Archaeological Consultants, Inc.**

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August 6, 2009

John L. Taufer  
John L. Taufer and Associates, Inc.  
PO Box 2271  
Glenwood Springs, CO 81602-2271

Re: Old Orchard Subdivision

Dear John,

This letter reports on the results of a records search at the Colorado Office of Archaeology and Historic Preservation (OAH) in Denver for known and recorded cultural or paleontological resources at and near the proposed Old Orchard Subdivision, in section 35, T5S R90W, approximately one mile west of Canyon Creek, west of Glenwood Springs, Colorado. This information is provided to meet Garfield County Land Use regulations which request information on "protected or registered archaeological, cultural, paleontological, and historic areas."

We ran an on-line search of section 35 through the OAH's Compass database on August 6, 2009. The search returned seven cultural resources, one paleontological resource, and nine previous cultural resource inventories for that section. The cultural resources include the D&RGW railroad grade (still in use), two segments of the historic Vulcan Ditch, one prehistoric camp, and three prehistoric isolated finds (single artifacts). The paleontological resource is the "Newcastle Dinosaur". All of these resources are located elsewhere in the section and do not extend onto the proposed Old Orchard Subdivision parcel.

The nine inventories include four related to the Hellsgate hydroelectric project, conducted in the early 1980s by Metcaf-Zier Archaeologists; three related to the Storm King Mines Properties, conducted by several consultants also in the early 1980s; one telecommunications tower project conducted by our company in 2000; and one fiber-optic communications line project conducted by Centennial Archaeology in 2000. None of these nine projects are known to include or have covered any of the proposed Old Orchard Subdivision parcel.

The results of this files search show that there are no "protected or registered" cultural or paleontological sites in the Old Orchard Subdivision parcel.

If you have any questions, or need additional information, please do not hesitate to call.

Sincerely,

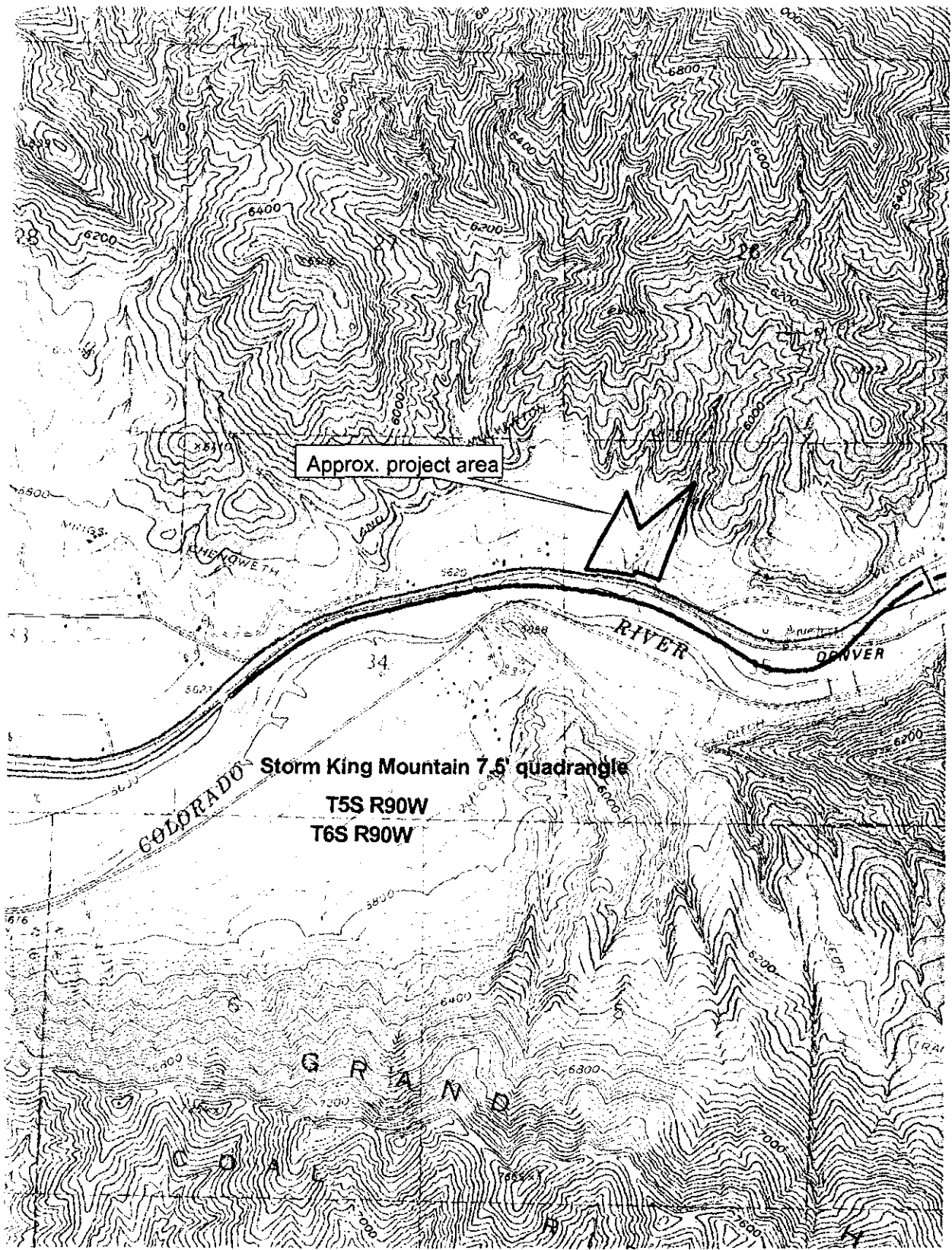
Anne McKibbin  
Senior Staff Archaeologist

Enclosure (map)

(970) 328-6244  
FAX: (970) 328-5623  
P.O. Box 899  
Eagle, CO 81631  
mac@metcalfarchaeology.com

(303) 425-4507  
FAX: (303) 425-8911  
4955 Miller Street, Suite 201  
Wheat Ridge, CO 80033-2234

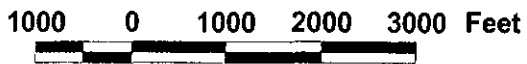
(701) 258-1215  
FAX: (701) 258-7156  
P.O. Box 2154  
Bismarck, ND 58502  
macnodak@metcalfarchaeology.com



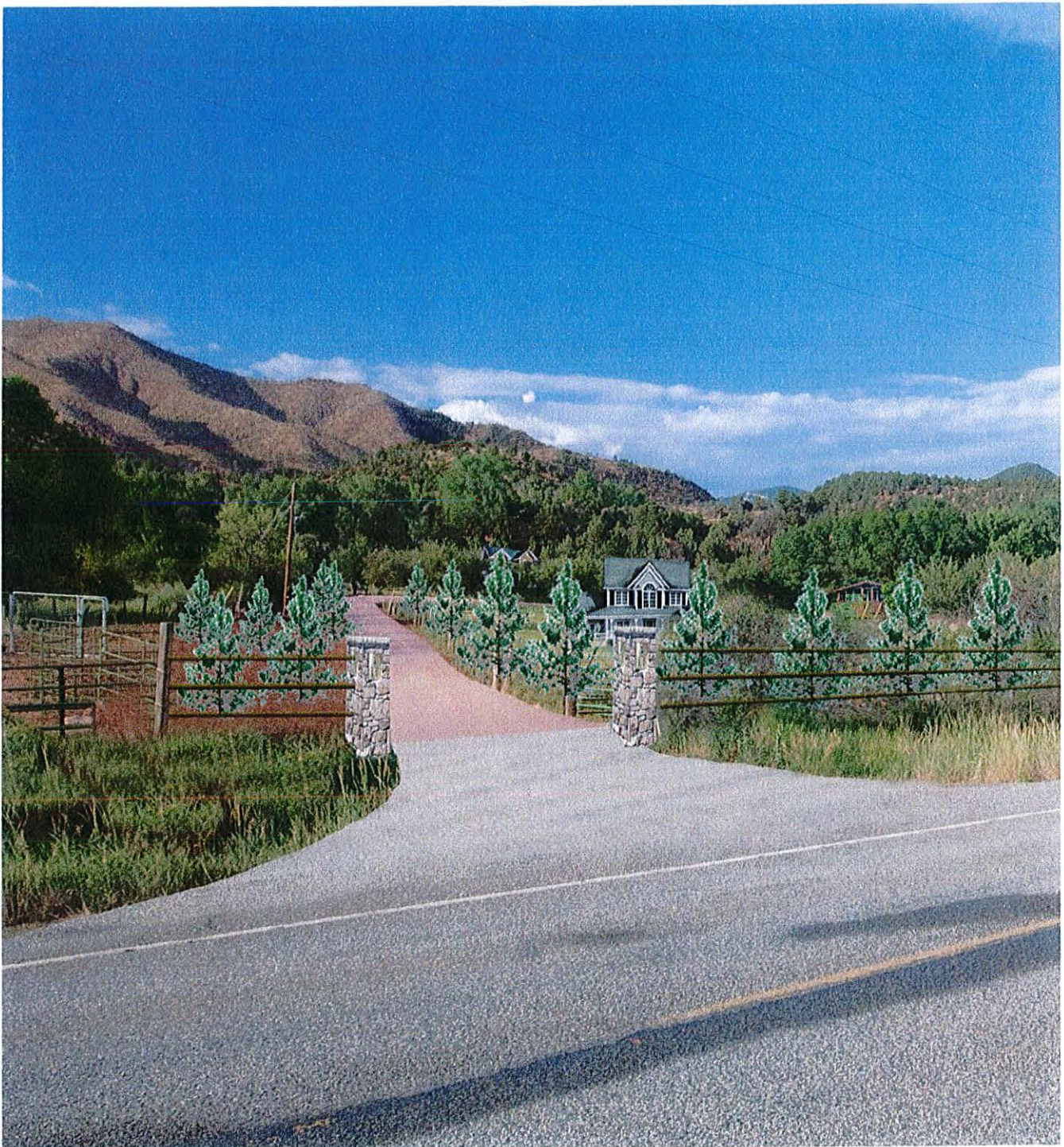
Approx. project area

Storm King Mountain 7.5' quadrangle

T5S R90W  
T6S R90W



Proposed Old Orchard Subdivision



Michael A. Hefferon

☐☐☐ -The Aspen Marketing Group  
 ☐☐☐ 970-319-7098 | ☐ [mike@theaspenmarketinggroup.com](mailto:mike@theaspenmarketinggroup.com)  
 ☐☐☐ [www.TheAspenMarketingGroup.com](http://www.TheAspenMarketingGroup.com)



☐ A relaxed state of mind unleashes creativity ☐

VIEW FROM ENTRY i HWT 6  
 OLD ORCHARD SUPERVISION

3/5/2010

March 2, 2010

## **Section 7-208 Air Quality**

### **Old Orchard Subdivision Preliminary Plan / Final Plat**

#### **Project Description**

The Old Orchard Subdivision proposes to divide approximately 20.2 acres into four lots.

#### **Criteria**

The land use change shall not cause air quality to be reduced below acceptable levels established by the Colorado Air Pollution Control Division.

#### **Compliance**

The proposed project will comply with the Air Quality Control Commission Regulation 5 CCR 1001. The project is not located in a classified Nonattainment or Attainment/Maintenance area for carbon dioxide, PM 10, or ozone. Open hearth wood burning fireplaces and wood burning appliances are not allowed in the subdivision. One solid fuel burning stove compliant with CRS 25-7-401 et. seq. will be allowed in each dwelling unit. The project is located in a rural area with large lots and on-site vehicle emissions will be well below the Ambient Air Quality Standards. Fugitive dust will be controlled by the erosion and sedimentation plan and the requirement to re-vegetate all disturbed areas. Open burns are subject to permit by the local authority ( Glenwood Springs and Rural Fire Protection District).



**JOHN L. TAUFER & ASSOCIATES, INC.**  
Landscape Architecture / Land Planning

March 1, 2010

Steve Anthony,  
Garfield County Vegetation Manager  
P.O. Box 1112  
Rifle, Colorado 81650

Re: Weed Management Plan – Old Orchard Subdivision,  
Glenwood Springs, Colorado

Dear Steve,

Old Orchard Subdivision is a proposed 4 lot single family residential subdivision located on the north side of Highway 6 approximately 1 mile west of Canyon Creek. The entire property consists of approximately 20.22 acres.

The report prepared here within will address the weed inventory and weed management of the property.

**Existing Property Conditions**

The property is a 20.22 acre parcel located north of Highway 6 and approximately 1 mile west of Canyon Creek. An existing frame house is situated on the east side of the parcel along with a shed and a pond which is located just south of the frame house. A residential unit, located in the northwest corner of the property, is currently under construction

The southern portion of the property slopes gently from Highway 6 to the north and then transitions to steeper slopes. This particular area is where the proposed development will occur. A large drainage basin is situated in the northeastern area of the property. The drainage basin is characterized by steep slopes on the western and eastern edges of the basin. No development is proposed in the drainage basin or on the eastern side of the property.

An old, grouping of established apple trees is located adjacent to Highway 6 and west of the existing residence. Another grouping of apple trees is located at the northwest corner of the property. The area between the apple trees and west of the southern orchard is open pasture. Other vegetation consists of Cottonwood trees, Pinyon pine, Rocky Mtn. Juniper, Gambel Oak, Serviceberry and native grasses. These vegetative species occur around the existing residence and on the steeper slopes and also in the drainage basin.

## **Vegetation Inventory**

On numerous times, I performed an on-site visit to inventory the vegetative characteristics of the property. During my visits, I did not observe any noxious weeds that are identified on the Garfield County Noxious Weed list.

## **Revegetation of Disturbed Areas**

The only areas of disturbance, outside of planned, groomed landscape areas associated with buildings and parking areas, will be along the entry drive. The entry drive is located in areas where existing pasture exists. Those disturbed areas will be revegetated with a pasture grass mix that closely mimics the existing pasture grass.

Seed will be sowed by means of hydraulic seeding equipment or by hand. Once the seed has been sowed, the seeded areas shall be fertilized with a fertilizer containing an analysis of 18/46/0 at a rate of 200 lbs./acre.

After seed and fertilizer has been installed, all seeded areas shall receive either a mulch treatment of fiber or straw mulch.

Base on on-site measurements, I would estimate that the total amount of revegetated area is approximately 10,000 square feet. At a rate of \$ 0.10/square foot, total construction costs for revegetation along the entry drive will be approximately \$ 1,000.00. This figure is also reflected on our probable cost estimate found with the Subdivision Improvements Agreement (SIA).

## **Weed Management**

Each lot owner will be responsible to manage any weed infestation on their property. The owners of Lots 1-4 will be responsible for any weed removal inside the 40 foot access and utility easement that contains the entry drive to the subdivision. This provision is reflected in the Declaration of Private Roadway Easement and Maintenance Obligations.

If you have questions or need additional information, please do not hesitate to contact my office.

Sincerely,



John L. Taufer, Landscape Architect

## **FIRE PROTECTION**

Per Plat Note:

There shall be an automatic fire suppression system installed in all new residences, including ADU's, constructed in the Old Orchard Subdivision. The systems shall be designed to NFPA 13D or NFPA 13R standards. The flow and control valves, on the systems, shall be monitored by a fire alarm system that is monitored by an independent UL Listed Central Station monitoring company.

Because of the placement of residential structures in the subdivision, the risk of wildland fire is low. Lot owners shall utilize low growing sod forming grasses in yard areas. Taller grasses shall be mown to a height of 6" in the late spring. Lot owners shall keep a 20 – 30 foot defensible wildland fire space away from any structures.



11/23/2009

Mr. John L. Taufer  
Glenwood Springs, CO

Re: Old Orchard Subdivision

Dear Mr. Taufer,

The proposed development known as Old Orchard Subdivision, located at 44623 Hwy 6 in Garfield County is within Xcel Energy's service territory and will be served by Xcel Energy in accordance with the Rules and Regulations on file with the Colorado Public Utilities Commission at the time of application.

If I can be of further assistance, please contact me at 970-244-2693.

Sincerely,

Jon Price  
Xcel Energy  
PO Box 849  
Grand Junction, CO  
81502



11/23//2009

John L Tauffer & Associates, Inc.  
909 Colorado Ave  
Glenwood Springs, CO 81601

RE: Old Orchard Subdivision  
Glenwood Springs, CO

Qwest Communications will provide telephone service, to the above mentioned project,  
as required by tariff, filed through the Colorado Public Utility Commission.

If you have any questions please call  
970-384-0255

Sincerely,

A handwritten signature in cursive script that reads "Gary Gibson".

Gary Gibson  
Senior Design Engineer

**JOHN L. TAUFER & ASSOCIATES, INC.**

Landscape Architecture / Land Planning

May 27, 2010

Molly Orkild-Larson, Senior Planner  
Garfield County Building & Planning Department  
0375 County Road 352  
Rifle, Colorado 81650

Re: Old Orchard Subdivision – Article VII, Standards - Supplemental Information

Dear Molly,

The following information demonstrates that the Old Orchard Subdivision is in compliance with the standards, as detailed in Article VII, Standards, Division 1, Division 2, Division 3, Division 4 and Section 7-801 of the Garfield County Unified Land Use Resolution, 2008.

**DIVISION 1**

Section 7-101 Compliance with Zone District Use Restrictions

**Response: Lot sizes are in excess of the minimum 2 acres; single family residential use is permitted; residential structures will conform to front, side and rear yard setbacks as well as building heights.**

Section 7-102 Compliance with Comprehensive Plan and Intergovernmental Agreements

**Response: The subject property is situated in the Outlying Residential District. Minimum lot size in this district is 2 acres/dwelling unit. Lot sizes are in excess of the minimum lot size.**

**Agricultural operations will continue on this property. Single family residential dwelling units will have a minimum impact on each lot and will not interfere with the historic use of this property.**

**Other than the Town of New Castle being a referral agency, are no Intergovernmental Agreements associated with this property.**

Section 7-103 Compatibility

**Response: The proposed single family residential use is compatible with surrounding land uses which are comprised of single family residential uses, commercial uses and transportation corridors.**

Section 7-104 Sufficient Legal and Physical Source of Water

**Response: Demonstration of sufficient legal and physical water supply is provided in the application under the heading of Potable Water.**

Section 7-105 Adequate Water Supply

**Response: Demonstration of adequate water supply is provided in the application under the heading of Potable Water.**

Section 7-106 Adequate Central Water Distribution and Wastewater System

**Response: No central water distribution system or central wastewater system is proposed.**

**Water distribution systems will be by individual wells.**

**The proposed method of sewage disposal is ISDS. ISDS are allowed, by Garfield County standards on lots over 2 acres. Percolation tests have been performed for each lot and are included in the application. As noted on the plat, all ISDS systems will be designed by an engineer licensed to practice in the State of Colorado.**

Section 7-107 Adequate Public Utilities

**Response: All required public utilities are located on the property.**

Section 7-108 Access and Roadways

**Response: Access to each lot is via a private drive that intersects with State Highway 6. An access permit, No. 309040, was issued by the Colorado Department of Transportation ( CDOT) is included in the application under the heading of Traffic.**

Section 7-109 No Significant Risk from Natural Hazards

**Response: As referenced in the Colorado Geologic Survey report as well as the drainage report prepared by SGM, Inc., and the HP Geotechnical there is a potential for debris flow from the drainage channel north of Lot 1. While we acknowledge the potential for potential debris flow on Lot 1, additional development on Lot 1 is not anticipated at this time. Historical evidence demonstrates that there has not been any apparent damage from debris flow to the existing residence that was constructed in 1899. It is our position, that any future**

development on Lot 1, will require additional debris flow studies and evaluation of proposed future development shall be conducted at the time of building permit. A Plat Note, included on the Final Plat, states that additional residential building development on Lot 1 shall not be permitted until additional drainage/debris flow analysis has been concluded.

While there is

This information is contained in the Project Summary and in the sections titled Soils/Geotechnical and Drainage.

## DIVISION 2

### Section 7-201 Protection of Agricultural Lands

Response: The agricultural integrity of the property will be preserved. Lots 1,2,3 and 4 are located where agricultural operations have historically occurred. Irrigation water will continue to irrigate agricultural lands. The existing apple orchard on Lot 1 will be preserved in its entirety.

It shall be the responsibility of each lot owner to control domestic animals, maintain fences, interior roads, fences and the existing irrigation ditches on their lots.

### Section 7-202 Protection of Wildlife Habitat Area

Response: Because of the placement of lots and building envelopes, virtually little if any vegetation will be removed thus preserving vegetative habitat for wildlife. The Old Orchard Subdivision will have no measurable adverse impact on any wildlife population currently using the property, nor will it result in a reduction in the range of any wildlife species nor will it directly result in classification of a wildlife species as threatened or endangered. This information is contained in the application under the heading of Wildlife.

It shall be the responsibility of each lot owner to control domestic animals against interference with wildlife. This provision is contained in Article 3 of the Declaration of Protective Covenants.

### Section 7-203 Protection of Wetlands and Waterbodies

Response: There are no wetlands or waterbodies on the property. Pond?

### Section 7-204 Protection of Water Quality from Pollutants

Response: Not Applicable. Agricultural activities are a use by right in the Rural Zone District.

As previously stated, there are no waterbodies on the property. Pond



#### Section 7-205 Erosion and Sedimentation

**Response: Site disturbance will be limited to excavation for building foundations and driveways to the residential units. If site disturbance is in excess of the 1 acre threshold, the owner of contractor shall apply for a NPDES permit.**

#### Section 7-206 Drainage

**Response: The historic drainage pattern of the property will not be altered or compromised with the development of single family residential dwelling units.**

**The natural site topography runs in an east to west direction toward Highway 6. Lot lines run perpendicular to the natural topography thus allowing site drainage to continue toward Highway 6 into a drainage ditch on the north side of Highway 6. Drainage from the access road sheet flows to the west where it is collected in an existing drainage swale on the western boundary of the property. Drainage from the north side of Highway 6 passes through an 18" CMP to an existing 24" CMP crossing Highway 6. Drainage from the existing drainage swale on the western boundary of the property flows toward the same 24" CMP that crosses Highway 6.**

**Drainage from the basin, to the north of Lot 1, flows toward Highway 6 and into a 6' concrete box culvert that crosses underneath Highway 6.**

**The site drainage is discussed in the section titled Drainage.**

**Homeowners shall construct small drainage ditches uphill from buildings to direct flows around and away from the structures.**

**Per Garfield County regulations, building foundations shall be engineered by a licensed engineer registered to practice in the State of Colorado. It is customary practice for engineers to provide design recommendations regarding foundation drains and drainage away from foundations.**

#### Section 7-207 Stormwater Run-Off

**Response: Stormwater run-off will continue to sheet flow across stable, vegetated areas prior to discharge into drainage ditches along Highway 6 and to the west of the proposed subdivision access road. The primary vegetative characteristics of Lots 2,3 and 4 consists of stable pasture grasses. On the northern reaches of Lots 2 and 3, vegetation transitions to native serviceberry, cottonwoods, , juniper and scattered apple trees. The vegetative characteristics of Lot 1 consists of lawn grasses around the existing residence, an apple orchard along highway 6 and native stands of serviceberry, gambel oak, cottonwoods, Rocky Mtn. juniper and Pinyon pine. The existing vegetation is of great benefit in treating stormwater before it reaches the drainage ditch along Highway 6.**

There is sufficient distance between the proposed residential development on each lot and Highway 6 to ensure the filtering of pollutants prior to discharge into the drainage ditch along Highway 6. The drainage eventually reaches the Colorado River, which is located on the south side of I-70.

The amount of impervious surface, associated with single family residential development compared to the overall size of acreage per lot will be insignificant.

#### Section 7-208 Air Quality

Response: Residential uses will not have little if any effect on air quality. A statement regarding air quality is included in the application under the title of Air Quality.

#### Section 7-209 Areas Subject to Wildfire Hazards

Response: The building envelopes on Lots 2, 3 and 4 are situated in open pasture areas that are void of vegetation associated with wildland fire. The building envelopes are located in areas that have historically been irrigated and will continue to be irrigated.

The existing residential structure on Lot 1 is located in a clearing but surrounded with large cottonwood trees. Groundcover around the existing residence includes ornamental shrubs and irrigated lawn grasses.

Native vegetation exists on slopes north of lots 2 and 3 as well as the drainage channel north of the existing residence on Lot 1 as well as on slopes east of the Lot 1 residence. These areas are removed from existing buildings and proposed structures on Lots 2 and 3.

**Lot owners shall keep a 20-30 defensible fire space away from any structures. Residential structures shall be sprinkled with an automated fire suppression system. This information is contained in the application titled Wildland Fire and is so noted on the Final Plat.**

#### Section 7-210 Areas Subject to Natural Hazards and Geologic Hazards

Response: The response to this section is addressed in Section 7-109 as well as in the application under the heading Soils/Geotechnical.

**A 3 foot earthen berm has been designed to protect and existing residence on Lot 3. The berm is shown on Sheet 3 of the access road drawings prepared by SGM, Inc.**

#### Section 7-211 Areas with Archeological, Paleontological or Historical Importance

Response: Metcalf Archeological performed a records search and found no protected or registered cultural or paleontological sites in the Old Orchard Subdivision parcel.

This information is contained in the application titled Archeological.

#### Section 7-212 Reclamation

Response: There will be very little site disturbance associated with the development of single family residential uses on the property. Disturbance will be limited to construction around the dwelling units and the access drive. The access drive will follow the existing dirt roadway that extends to the proposed Lots 2 and 3.

In order to mitigate the site disturbance around single family units, homeowners will be encouraged to revegetate those disturbed areas with sod forming grasses, trees and shrubs. This is usually standard practice for new homeowners.

The topography on Lots 1, 2, 3 and 4 is gently sloping. Because the topography is relatively flat, cut and fill slopes will be minimal. In addition, driveways grading will result in little site disturbance.

All cut/ fill slopes and disturbance adjacent to driveways and the access road will be revegetated with sod forming grasses. Construction debris will be removed from the site upon completion of construction.

### DIVISION 3 – SITE PLANNING AND DEVELOPMENT STANDARDS

#### Section 7-301 Compatible Design

Response: The site plan/lot layout is organized in a manner that allows adequate vehicular and pedestrian access to each lot, allows solar access to each lot, provides adequate off street parking for each lot while preserving the existing, natural characteristics of the site.

While the operational characteristics are more likened to industrial or commercial use and not residential use, the proposed residential land use will not cause the air quality to be reduced below acceptable levels. Refer to the Air Quality section of the application.

Other than lighting from residential structures, there is no street lighting proposed. Residential lighting guidelines are addressed in Article 5 of the Declaration of Protective Covenants.

A 120 foot visual buffer exists from the closest building envelope on Lots 2 and 4 to Highway 6. The existing apple orchard provides additional visual and sound

**buffering from Highway 6. The adjacent property to the east is zoned Commercial but is buffered by a landform that visually separates the commercial use from the Old Orchard Subdivision.**

**Exterior building material and maximum building size are addressed in Article I of the Declaration of Protective Covenants.**

Section 7-302 Building Design

**Response: Entryway guidelines are not applicable to residential buildings.**

**The size of the lots are large enough to allow solar access to each building structure.**

Section 7-303 Design and Scale of Development

**Response: Because the site is gently sloping, site disturbance during residential development will be minimal. In addition, the proposed access road closely follows the existing grade, thus reducing site disturbance.**

Section 7-304 Off-Street Parking

**Response: As referenced on the Final Plan, each lot will contain 4 off-street parking spaces which meets the requirements for a single family dwelling unit plus and ADU on each lot.**

**All other requirements in this section refer to commercial, industrial or multifamily uses.**

Section 7-305 Landscaping and Lighting Standards

**Response: Landscaping on each lot will be the responsibility of each lot owner. The owner will be responsible for revegetation of the disturbed areas adjacent to the new road. The cost of the revegetation work is included in the Cost Estimate for the Old Orchard Subdivision, Exhibit A.**

**Lighting is addressed in Section 7-301.**

Section 7-306 Snow Storage Areas

**Response: Snow storage for each lot will be contained on each lot. Snow storage for the access road will be contained within the access road easement. Drainage from snowmelt is will be collected in the drainage ditches along the road and transported to the drainage ditch along Highway 6 where the drainage continues under Highway 6.**

Section 7-307 Roadway Standards

Response: Access to Lots 2,3 and 4 is via an access road intersecting with Highway 6 on the west side of the property while access to Lot 1 is via the existing driveway that also intersects with Highway 6.

The Average Daily Trips ( ADT) generated from Lots 2,3 and 4 are approximately 60 ADT. Based on the projected ADT, the Garfield County road classification would classify the western entry road as a Semi-Primitive road. The roadway design submitted complies with the roadway standards per Garfield County requirements. The access road design, prepared by SGM, Inc., is depicted on Sheets 1 and 2 of the submittal package.

The Colorado Department of Transportation ( CDOT) issued a driveway permit for the new access road that provides access to Lots 2,3 and 4. The Permit is included in the application under the heading Traffic. In issuing the permit, CDOT finds the intersection to have adequate site distances and is safe.

The roadway grade closely follows the existing topography thus reducing the amount of cut and fill required.

The location of a stop sign and Not Parking signs are indicated on the access road design drawings prepared by SGM, Inc.

Roadway drainage has been incorporated into the design of the access road and is depicted on Sheet 1 and 2 of the access road drawings, Sheets 1 and 2 as prepared by SGM, Inc.

Section 7-308 Trail and Walkway Standards

Response: Not applicable. There are no trail or walkways proposed in the subdivision.

Section 7-309 Utility Standards

Response: Underground utilities( electric and natural gas ) have been installed on the property.

Letters from Qwest and Excel Energy agreeing to provide service to the property are located in the Utility Provider section of this application.

All utility easements are noted on the Final Plat.

**DIVISION 4 – SUBDIVISION STANDARDS AND DESIGN SPECIFICATIONS**

Section 7-401 General Subdivision Standards

**Response: The lots and building envelopes are situated in areas of open, gently sloping pasture areas thus preserving exiting vegetation particularly the apple orchard along Highway 6. In addition, the native vegetation, located on slopes to the north and within the drainage corridor on the northeastern portion of the property, will be preserved.**

**Domestic animal control is addressed in Article 3 in the Old Orchard Protective Covenants.**

**Fireplaces are addressed in Article 4 in the Old Orchard Protective Covenants.**

Section 7-402 Subdivision Lots

**Response: All of the lots within the Old Orchard Subdivision are developable. The lots conform to the Rural Zone District regulations in terms of size, setbacks, slope and lot frontage.**

**Lots sizes are in excess of the minimum lot size in the Rural Zone District as well as the minimum size for inclusion of an Accessory Dwelling Unit ( ADU) on each lot and for ISDS.**

**Building envelopes have been created for Lots 2,3 and 4**

**All lots have a minimum 25 foot frontage on the cul-de-sac.**

Section 7-403 Fire Protection

**Response: All new residential structures will be equipped with an automatic fire suppression system. The systems shall be designed to NFPA 13D or NFPA 13R standards. The flow and control valves shall be monitored by a fire alarm system that is monitored by an independent UL Listed Central Station monitoring company. Each residential structure shall contain in-house water storage dedicated to the automatic fire suppression system. The water supply, for the in-house water storage, will be from the shared well on Lot 3. In addition, the pond on Lot 1, shall also be available as a water supply for fire protection. A 30 foot easement for emergency access to the pond is noted on the Final Plat.**

**The access road for Lots 2,3 and 4 includes an emergency services bump-out or pull out area.**

**Since there is not a central water system available, there are no fire hydrants proposed.**

Section 7-404 Survey Monuments

Response: **All property corner pins have been set.**

Section 7-405 Standards for Public Sites and Open Space

Response: **There are not public sites or open space associated with the Old Orchard Subdivision.**

**The applicant will pay all required fees to the RE-1 School District as determined on a per residential unit basis.**

#### **DIVISION 8 - STANDARDS FOR CERTAIN TYPES OF USES**

Section 7-801 Additional Standards Applicable to an Accessory Dwell Unit

Response: **The maximum floor area for residential occupancy shall not exceed 1,500 square feet. The maximum floor area of an ADU is also established in Article I of the Old Orchard Protective Covenants.**

**Accessory dwelling units are allowable under Article I of the Old Orchard Protective Covenants.**

**All lots within the Old Orchard Subdivision are in excess of 2 acres and comply with the required lot size to permit an ADU.**

Please review the aforementioned response to Article 7, Divisions 1, 2,3 and 4 and Division 8, Section 7-801 2 at your earliest convenience. If you have questions or need additional information, please do not hesitate to contact my office.

Sincerely,



John L. Taufer, Owners Representative

**Exhibit A**

**Old Orchard Subdivision**

Preliminary/Final Plan

Subdivision Improvements Agreement  
Engineering Cost Estimate

<b>No.</b>	<b>Description</b>	<b>Qty.</b>	<b>Unit</b>	<b>Price / Unit</b>	<b>Estimate</b>
1	Mobilization	1	LS	\$ 5,000.00	\$ 5,000.00
2	Topsoil (strip,stock pile & replace )	1	LS	\$ 1,000.00	\$ 1,000.00
3	Excavation/Earthworks	1	LS	\$ 5,000.00	\$ 5,000.00
4	8" Utility Sleeves	60	LF	\$ 15.00	\$ 900.00
5	Subgrade prep	2600	SY	\$ 1.20	\$ 3,120.00
6	Geotextile Separator	2600	SY	\$ 2.00	\$ 5,200.00
7	Class 6 aggregate base course	801	TN	\$ 20.00	\$ 16,020.00
8	Class 2 aggregate base course	1543	TN	\$ 18.00	\$ 27,774.00
9	24" ADS N-12 Culvert	30	LF	\$ 40.00	\$ 1,200.00
10	24" End Section	1	EA	\$ 300.00	\$ 300.00
11	Signs	2	EA	\$ 300.00	\$ 600.00
12	Erosion Control (Silt Fence, Erosion Logs, Straw Mulch,etc.)	1	LS	\$ 2,000.00	\$ 2,000.00
13	Re-align ditch	70	LF	\$ 20.00	\$ 1,400.00
14	Fence Modifications	1	LS	\$ 500.00	\$ 500.00
15	Revegetation	1	LS	\$ 1,000.00	\$ 1,000.00
<b>TOTAL</b>					<b>\$ 71,014.00</b>

**Note:**

This cost estimate is an engineer's opinion of probable cost and not based on a quotation or bid.  
Work within the CDOT ROW is excluded as a separate estimate was provided with the Access Permit application.  
Electric, telephone, cable and gas costs are not included as work is in progress and separate contracts exist.  
As with any estimate, actual costs may vary due to unforeseen circumstances and market conditions.





**Land Title Guarantee Company**  
CUSTOMER DISTRIBUTION

**Date:** 06-21-2010

**Our Order Number:** GW63005568

**Property Address:**

44523 HWY 6 & 24 GLENWOOD SPRINGS, CO 81601

*If you have any inquiries or require further assistance, please contact one of the numbers below:*

**For Title Assistance:**

Glenwood Springs "GW" Unit

1317 GRAND AVE #200

GLENWOOD SPRINGS, CO 81601

Phone: 970-945-2610

Fax: 970-945-4784

ROCKY GABOSI  
0018 COUNTY RD 138  
GLENWOOD SPRINGS, CO 81601  
Attn: ROCKY GABOSI  
Phone: 970-379-0780  
Copies: 1  
EMail: rocky@pitkintron.com  
Linked Commitment Delivery



**LAND TITLE GUARANTEE COMPANY**

**INVOICE NO. GWS-3075**

**ROCKY GABOSI  
0018 COUNTY RD 138  
GLENWOOD SPRINGS, CO 81601**

**Owner: MARY ANN GABOSI AND ROC ANTHONY GABOSI**

**Address: 44523 HWY 6 & 24 GLENWOOD SPRINGS, CO 81601**

**Invoice Date: June 21, 2010  
Order No. GW63005568**

<b>Invoice Charges</b>	
TBD Report	<i>\$100.00</i>
<b>- Amount Due -</b>	<i>\$100.00</i>

**Due and payable upon receipt.**

**For Remittance please refer to Invoice No. GWS-3075**

Please make checks payable to:  
Land Title Guarantee Company  
5975 Greenwood Plaza Blvd. Suite 125  
Greenwood Village, CO 80111-4701

# LAND TITLE GUARANTEE COMPANY

## TBD Report

Our Order No. GW63005568

TBD Report Fee \$100.00

This report is neither a commitment to insure, nor an abstract of title. This product may not conform to the written standards and practices of our underwriters and the Company reserves the right to set further requirements and/or exceptions should a full title commitment be ordered in the future. The liability of the Company shall not exceed the charge paid by the applicant for this report, nor shall the Company be held liable to any party other than the applicant for this report.

Certification Date: May 28, 2010 at 5:00 P.M.

Address: 44523 HWY 6 & 24 GLENWOOD SPRINGS, CO 81601

Legal Description:

SEE ATTACHED PAGE(S) FOR LEGAL DESCRIPTION

### Ownership:

<u>Vesting Document</u>	<u>Doc Fee</u>	<u>Recorded</u>	<u>Reference #</u>
PERSONAL REPRESENTAT	\$70.00	04-19-2001	579585

The following will be required should the Company be requested to issue a future commitment to insure:

1. RELEASE OF DEED OF TRUST DATED MAY 20, 2008 FROM MARY ANN GABOSI AND ROC ANTHONY GABOSI TO THE PUBLIC TRUSTEE OF GARFIELD COUNTY FOR THE USE OF US BANK TRUST COMPANY TO SECURE THE SUM OF \$197,548.00 RECORDED JUNE 19, 2008, UNDER RECEPTION NO. 750771.

**LEGAL DESCRIPTION**

A TRACT OF LAND SITUATED IN THE NW1/4 OF SECTION 35, TOWNSHIP 5 SOUTH, RANGE 90 WEST OF THE 6TH P.M., COUNTY OF GARFIELD, STATE OF COLORADO, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A POINT FROM WHICH THE NORTH 1/4 CORNER OF SAID SECTION 35 BEARS N. 45 DEGREES 21'31" E. 855.56 FEET, SAID NORTH 1/4 CORNER BEING A IRON PIPE WITH AN ALUMINUM CAP, PLS NO. 15710;

THENCE S. 26 DEGREES 31'06" E. 55.72 FEET;

THENCE S. 26 DEGREES 11'52" W. 62.99 FEET;

THENCE S. 11 DEGREES 39'34" W. 51.69 FEET;

THENCE S. 37 DEGREES 28'23" W. 80.15 FEET;

THENCE S. 49 DEGREES 48'42" W. 68.45 FEET;

THENCE S. 22 DEGREES 37'14" W. 167.65 FEET;

THENCE S. 04 DEGREES 15'08" E. 209.64 FEET;

THENCE S. 40 DEGREES 24'52" W. 63.16 FEET;

THENCE S. 23 DEGREES 42'17" W. 160.96 FEET;

THENCE S. 34 DEGREES 01'36" W. 250.32 FEET;

THENCE S. 28 DEGREES 03'51" E. 69.80 FEET;

THENCE S. 02 DEGREES 38'42" W. 142.25 FEET;

THENCE S. 80 DEGREES 11'51" E. 128.20 FEET;

THENCE N. 72 DEGREES 59'26" E. 101.15 FEET;

THENCE S. 68 DEGREES 43'16" E. 110.56 FEET;

THENCE S. 74 DEGREES 56'17" E. 210.39 FEET;

THENCE N. 84 DEGREES 18'28" E. 105.41 FEET;

THENCE S. 24 DEGREES 46'00" W. 319.38 FEET

TO A POINT ON THE NORTHERLY RIGHT OF WAY OF STATE HIGHWAY 6 AND 24;

THENCE ALONG SAID RIGHT OF WAY THE FOLLOWING 6 COURSES:

1) THENCE N. 65 DEGREES 14'00" W. 489.04 FEET;

2) THENCE 426.40 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 2010.00 FEET, A CENTRAL ANGLE OF 12 DEGREES 09'17" AND SUB-TENDING CHORD WHICH BEARS N. 71 DEGREES 18'38" W. 425.60 FEET;

3) THENCE S. 13 DEGREES 12'00" W. 50.00 FEET;

4) THENCE 270.72 FEET ALONG THE ARC OF NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 1960.00 FEET, A CENTRAL ANGLE OF 07 DEGREES 54'49" AND SUB-TENDING A CHORD WHICH BEARS N. 81 DEGREES 21'35" W. 270.50 FEET;

5) THENCE N. 85 DEGREES 19'00" W. 368.00 FEET;

6) THENCE 109.74 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 5680.00 FEET, A CENTRAL ANGLE OF 01 DEGREES 06'25" AND SUB-TENDING A CHORD WHICH BEARS N. 84 DEGREES 45'48" W. 109.74 FEET;

THENCE DEPARTING SAID RIGHT OF WAY N. 23 DEGREES 00'10" E. 85.51 FEET;

THENCE N. 33 DEGREES 41'22" E. 273.31 FEET; THENCE N. 10 DEGREES 41'01" E. 126.20 FEET;

THENCE N. 18 DEGREES 00'46" E. 102.71 FEET;

THENCE S. 79 DEGREES 05'06" E. 44.25 FEET;

THENCE N. 87 DEGREES 14'08" E. 373.76 FEET;

THENCE S. 83 DEGREES 55'42" E. 116.11 FEET;

THENCE N. 45 DEGREES 21'31" E. 1000.98 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH AND SUBJECT TO THE ACCESS AND UTILITY EASEMENT(S) INDICATED HEREON.

Our Order No: GW63005568

**LEGAL DESCRIPTION**

A/K/A

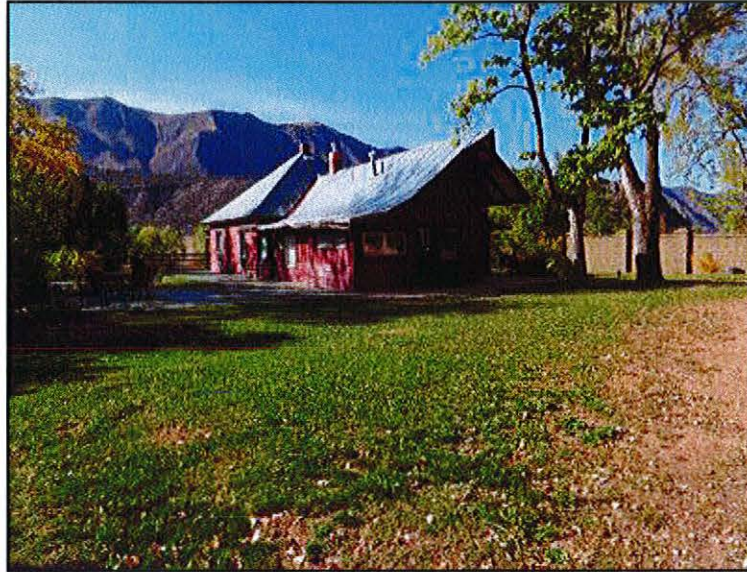
LO1 1

GABOSI EXEMPTION ACCORDING TO THE PLAT RECORDED FEBRUARY 11, 2003 UNDER  
RECEPTION NO. 620584  
COUNTY OF GARFIELD, STATE OF COLORADO

TBD Report

The following documents affect the property:

1. RIGHT OF PROPRIETOR OF A VEIN OR LODE TO EXTRACT AND REMOVE HIS ORE THEREFROM SHOULD THE SAME BE FOUND TO PENETRATE OR INTERSECT THE PREMISES AS RESERVED IN UNITED STATES PATENT RECORDED OCTOBER 06, 1967, IN BOOK 388 AT PAGE 311.
2. RIGHT OF WAY FOR DITCHES OR CANALS CONSTRUCTED BY THE AUTHORITY OF THE UNITED STATES AS RESERVED IN UNITED STATES PATENT RECORDED OCTOBER 06, 1967, IN BOOK 388 AT PAGE 311.
3. ENCROACHMENT OF ROADWAY ONTO SUBJECT PROPERTY AS SHOWN ON FIRST AMENDED SENOR MESA PLAT RECORDED OCTOBER 13, 1998 AS RECEPTION NO. 533649 PURPORTEDLY GRANTED IN INSTRUMENT RECORDED JANUARY 13, 1943 IN BOOK 201 AT PAGE 502.
4. UTILITY EASEMENT AS GRANTED TO PUBLIC SERVICE COMPANY OF COLORADO IN INSTRUMENT RECORDED OCTOBER 12, 1999, IN BOOK 1154 AT PAGE 989.
5. TERMS, CONDITIONS AND PROVISIONS OF RESOLUTION NO 2002-84 RECORDED SEPTEMBER 17, 2002 IN BOOK 1387 AT PAGE 114.
6. EASEMENTS AND RIGHTS OF WAY AS GRANTED IN INSTRUMENT RECORDED AUGUST 7, 2002 IN BOOK 1376 AT PAGE 135.
7. EASEMENTS, RIGHTS OF WAY AND ALL MATTERS SHOWN ON THE PLAT RECORDED SEPTEMBER 18, 2002 UNDER RECEPTION NO. 610839 AND AMENDED PLAT RECORDED FEBRUARY 11, 2003 UNDER RECEPTION NO. 620584.
8. TERMS, CONDITIONS AND PROVISIONS OF PERMIT RECORDED JULY 07, 2009 AT RECEPTION NO. 770883.
9. TERMS, CONDITIONS AND PROVISIONS OF RESOLUTION NO. 2005-73 RECORDED OCTOBER 04, 2005 AT RECEPTION NO. 683629.
10. EASEMENTS AND RIGHTS OF WAY AS CONTAINED IN INSTRUMENT RECORDED JUNE 29, 2009 UNDER RECEPTION NO. 770259



**APPRAISAL OF REAL PROPERTY**

**LOCATED AT:**

44523 Highway 6  
A TR in the NW4 Cont. 20.22 AC. AKA Lot 1 Gabossi Subdivision Exemption  
Glenwood Springs, CO 81601-9784

**FOR:**

Gabossi, Roc A.  
44523 Hwy 6 & 24  
Glenwood Springs, CO 81601

**AS OF:**

October 13, 2010

**BY:**

Matt Elliott  
Certified Residential Appraiser, License # CR-40025416

Bookcliff Appraisal Services, Inc.  
593 Birchwood Ct.  
Fruita, CO 81521

Gabossi, Roc A.  
45523 Hwy 6 & 24  
Glenwood Springs, CO 81601

Re: Property: 44523 Highway 6  
Glenwood Springs, CO 81601-9784  
Borrower: Gabossi, Roc A.  
File No.: M1010021

In accordance with your request, we have appraised the above referenced property. The report of that appraisal is attached.

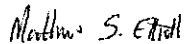
The purpose of this appraisal is to estimate the market value of the property described in this appraisal report, as improved, in unencumbered fee simple title of ownership.

This report is based on a physical analysis of the site and improvements, a locational analysis of the neighborhood and city, and an economic analysis of the market for properties such as the subject. The appraisal was developed and the report was prepared in accordance with the Uniform Standards of Professional Appraisal Practice.

The value conclusions reported are as of the effective date stated in the body of the report and contingent upon the certification and limiting conditions attached.

It has been a pleasure to assist you. Please do not hesitate to contact me or any of my staff if we can be of additional service to you.

Sincerely,



Matt Elliott  
Certified Residential Appraiser  
CR-40025416



# RESTRICTED USE APPRAISAL REPORT

File No.: M1010021

<b>SUBJECT</b>	Property Address: 44523 Highway 6 & 24	City: Glenwood Springs	State: CO	Zip Code: 81601-9784
	County: Garfield	Legal Description: A TR in the NW4 Cont. 20.22 AC. AKA Lot 1 Gabossi Subdivision Exemption		
	Assessor's Parcel #: 2123-352-00-185			
	Tax Year: 2010	R.E. Taxes: \$ 2,174.76	Special Assessments: \$ 0.00	Borrower (if applicable): Gabossi, Roc A.

<b>ASSIGNMENT</b>	Current Owner of Record: Gabossi, Roc A. & Mary A.	Occupant: <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Tenant <input type="checkbox"/> Vacant <input type="checkbox"/> Manufactured Housing
	Property Type: <input checked="" type="checkbox"/> SFR <input type="checkbox"/> 2-4 Family <input type="checkbox"/>	# of Units: One+   Ownership Restriction: <input checked="" type="checkbox"/> None <input type="checkbox"/> PUD <input type="checkbox"/> Condo <input type="checkbox"/> Coop
	Market Area Name: Canyon Creek	Map Reference: 2123-352-00-185   Census Tract: 9519.00 <input type="checkbox"/> Flood Hazard
	The purpose of this appraisal is to develop an opinion of: <input checked="" type="checkbox"/> Market Value (as defined), or <input type="checkbox"/> other type of value (describe)	

This report reflects the following value (if not Current, see comments):  Current (the Inspection Date is the Effective Date)  Retrospective  Prospective

Approaches developed for this appraisal:  Sales Comparison Approach  Cost Approach  Income Approach  Other:

Property Rights Appraised:  Fee Simple  Leasehold  Leased Fee  Other (describe)

Intended Use: To develop an opinion of Market Value to assist owner in land split.

Under USPAP Standards Rule 2-2(c), this is a Restricted Use Appraisal Report, and is intended only for the sole use of the named client. There are no other intended users. The client must clearly understand that the appraiser's opinions and conclusions may not be understood properly without additional information in the appraiser's work file.

Client: Gabossi, Roc A. Address: 44523 Hwy 6 & 24, Glenwood Springs, CO 81601

Appraiser: Matt Elliott Address: 593 Birchwood Ct., Fruita, CO 81521

FEATURE	SUBJECT	COMPARABLE SALE # 1		COMPARABLE SALE # 2		COMPARABLE SALE # 3	
		Address	Distance	Address	Distance	Address	Distance
Address	44523 Highway 6 & 24 Glenwood Springs, CO 81601-97	1887 County Road 237 Silt, CO 81652	11.04 miles W	1501 County Road 245 New Castle, CO 81647	4.95 miles W	46233 Hwy 6 & 24 Glenwood Springs, CO 81601	1.24 miles E
Proximity to Subject							
Sale Price	\$ Market Value	\$ 480,000		\$ 550,000		\$ 485,000	
Sale Price/GLA	\$ N/A/sq.ft.	\$ 408.16/sq.ft.		\$ 251.60/sq.ft.		\$ 293.94/sq.ft.	
Data Source(s)	Inspection	Garfield County Assessor		Garfield County Assessor		Garfield County Assessor	
Verification Source(s)	County Records	MLS # 110464 - 513 DOM		MLS # 113012 - 249 DOM		MLS # 113148 - 55 DOM	
VALUE ADJUSTMENTS	DESCRIPTION	DESCRIPTION	+(-) \$ Adjust.	DESCRIPTION	+(-) \$ Adjust.	DESCRIPTION	+(-) \$ Adjust.
Sales or Financing Concessions	N/A	Cash		Conventional		Cash	
Date of Sale/Time	N/A	None Known		None Known		None Known	
Rights Appraised	N/A	09/09/2010		05/13/2010		11/16/2009	
Location	Fee Simple	Fee Simple		Fee Simple		Fee Simple	
Site	Suburban	Suburban		Suburban		Suburban	
View	20.22 Acres	3.52 Acres	+83,500	4.14 Acre	+80,500	9.06 Acres	+56,000
Design (Style)	Res/Mtns	Res/Mtns		Res/Mtns		Res/Mtns	
Quality of Construction	Ranch/Bmt	Ranch/Bmt		Ranch		Ranch/Bmt	
Age	Frame	Frame		Frame		Frame	
Condition	111 Years	28 Years		5 Years		12 Years	
Above Grade	Average	Average		Average		Average	
Room Count	Total Bdrms Baths	Total Bdrms Baths		Total Bdrms Baths		Total Bdrms Baths	
Gross Living Area	9 3 2.00	4 2 2.00		7 3 2.00		7 4 2.50	
Basement & Finished Rooms Below Grade	1,413 sq.ft.	1,176 sq.ft.	+7,110	2,186 sq.ft.	-23,190	1,650 sq.ft.	-7,110
Functional Utility	1,662 Sf/Finishd	960 Sf/Finished	+3,030	Stemwall	+24,930	1560 Sf/Finished	+1,530
Heating/Cooling	See Sketch	Included Above		N/A		Included Above	
Energy Efficient Items	Average	Average		Average		Average	
Garage/Carport	ElctBB/None	ElctBB/None		FANG/Central		InFlrRadnt/None	
Porch/Patio/Deck	Std Insulation	Std Insulation		Std Insulation		Std Insulation	
Stove/Fireplace	None	2-Car Detached	-8,000	2 Car Attached	-8,000	2 Car Attached	-8,000
Additional Dwelling	Prch/Ptos2/CvrDeck	Porch/Patio	+3,000	Prch/Pto/Deck	+2,000	Prch/Pto/Deck	+2,000
	Gas Fireplace-2	Wood Stove	+2,000	Gas Fireplace	+2,000	Gas Fireplace	+2,000
	Yes - Not Included	None		None		None	
Net Adjustment (Total)		<input checked="" type="checkbox"/> + <input type="checkbox"/> -	\$ 90,640	<input checked="" type="checkbox"/> + <input type="checkbox"/> -	\$ 78,240	<input checked="" type="checkbox"/> + <input type="checkbox"/> -	\$ 46,420
Adjusted Sale Price of Comparables		Net 18.9%		Net 14.2%		Net 9.6%	
		Gross 22.2%	\$ 570,640	Gross 25.6%	\$ 628,240	Gross 15.8%	\$ 531,420

Summary of Sales Comparison Approach **See Attached Addenda**

**RESTRICTED USE APPRAISAL REPORT**

File No.: M1010021

<b>TRANSFER HISTORY</b>	My research <input checked="" type="checkbox"/> did <input type="checkbox"/> did not reveal any prior sales or transfers of the subject property for the three years prior to the effective date of this appraisal.	
	Data Source(s): Garfield County Assessors and Garfield County MLS	
	1st Prior Subject Sale/Transfer Date: July 7, 2009 Price: 0.00 - Deed	Analysis of sale/transfer history and/or any current agreement of sale/listing: The subject has had no prior sales or listing in the last 36 months. The subject was transferred by an agreement on 09/17/2010 between the owners and the Wagner's, a \$0.00 Deed on 07/07/2009 and an easement on 06/29/2009. It must be noted that the deed did not transfer the owners name and the easement was granted to Public Service for a detached home currently in the process of being built. To the best of the appraisers knowledge no comparables have been sold or listed within the previous 12 months of the most recent sale.
	Source(s): Garfield County Assessor 2nd Prior Subject Sale/Transfer Date: April 18, 2001 Price: 0.00 - Quit Claim Deed	
Source(s): Garfield County Assessor		
<b>MARKET / SITE / IMPROVEMENTS</b>	Subject Market Area and Marketability: <b>See Attached Addenda.</b>	
	Site Area: 20.22 Acres Site View: Residential/Mountains Topography: Rear/Mtns Front/Pasture Drainage: Appears Adequate	
	Zoning Classification: Rural Description: Rural (see addenda)	
	Zoning Compliance: <input checked="" type="checkbox"/> Legal <input type="checkbox"/> Legal nonconforming (grandfathered) <input type="checkbox"/> Illegal <input type="checkbox"/> No zoning	
	Highest & Best Use: <input checked="" type="checkbox"/> Present use, or <input type="checkbox"/> Other use (explain)	
	Actual Use as of Effective Date: Residential Use as appraised in this report: Residential	
	Opinion of Highest & Best Use: Residential	
	FEMA Spec'l Flood Hazard Area <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No FEMA Flood Zone D FEMA Map # 0802051020B FEMA Map Date 8/2/2006	
	Site Comments: Appraiser was not furnished a copy of survey or title report. There were no apparent adverse easements, encroachment, or other adverse conditions. Typical utility easements are assumed.	
	Improvements Comments: <b>See Attached Addenda.</b>	
<b>RECONCILIATION</b>	Indicated Value by: Sales Comparison Approach \$ 540,000	
	Indicated Value by: Cost Approach (if developed) \$ Not Developed Indicated Value by: Income Approach (if developed) \$ Not Developed	
	Final Reconciliation As typical buyers do not consider income flow for a single family property, Income Approach not used. Market best represents actions of buyers/sellers and was given most credence. Cost Approach was not developed as it was deemed not to be necessary based upon the clients requested Scope of Work.	
	This appraisal is made <input checked="" type="checkbox"/> "as is", <input type="checkbox"/> subject to completion per plans and specifications on the basis of a Hypothetical Condition that the improvements have been completed, <input type="checkbox"/> subject to the following repairs or alterations on the basis of a Hypothetical Condition that the repairs or alterations have been completed, <input type="checkbox"/> subject to the following required inspection based on the Extraordinary Assumption that the condition or deficiency does not require alteration or repair: Appraisal assumes that all mechanical, plumbing, electrical, and heating systems are in working order. Also assumes that there are no hidden defects in the overall <input checked="" type="checkbox"/> This report is also subject to other Hypothetical Conditions and/or Extraordinary Assumptions as specified in the attached addenda.	
<b>ATTACHMENTS</b>	Based on the degree of inspection of the subject property, as indicated below, defined Scope of Work, Statement of Assumptions and Limiting Conditions, and Appraiser's Certifications, my (our) Opinion of the Market Value (or other specified value type), as defined herein, of the real property that is the subject of this report is: \$ 540,000, as of: October 13, 2010, which is the effective date of this appraisal. If indicated above, this Opinion of Value is subject to Hypothetical Conditions and/or Extraordinary Assumptions included in this report. See attached addenda.	
	A true and complete copy of this report contains 29 pages, including exhibits which are considered an integral part of the report. This appraisal report may not be properly understood without reference to the information contained in the complete report. Attached Exhibits: <input checked="" type="checkbox"/> Scope of Work <input checked="" type="checkbox"/> Limiting Cond./Certifications <input checked="" type="checkbox"/> Narrative Addendum <input checked="" type="checkbox"/> Photograph Addenda <input checked="" type="checkbox"/> Sketch Addendum <input checked="" type="checkbox"/> Map Addenda <input checked="" type="checkbox"/> Additional Sales <input type="checkbox"/> Cost Addendum <input checked="" type="checkbox"/> Flood Addendum <input type="checkbox"/> Manuf. House Addendum <input checked="" type="checkbox"/> Hypothetical Conditions <input checked="" type="checkbox"/> Extraordinary Assumptions <input type="checkbox"/>	
<b>SIGNATURES</b>	Client Contact: Gabossi, Roc A. Client Name: Gabossi, Roc A.	
	E-Mail: rocky@pitkiniron.com Address: 44523 Hwy 6 & 24, Glenwood Springs, CO 81601	
	<b>APPRAISER</b>	
	<b>SUPERVISORY APPRAISER (if required) or CO-APPRAISER (if applicable)</b>	
	Supervisory or Co-Appraiser Name: _____	
	Company: _____	
	Phone: _____ Fax: _____	
	E-Mail: _____	
	Date of Report (Signature): November 15, 2010	
	Date of Report (Signature): _____	
License or Certification #: CR-40040964 State: CO		
License or Certification #: _____ State: _____		
Designation: N/A		
Designation: _____		
Expiration Date of License or Certification: 12/31/2011		
Expiration Date of License or Certification: _____		
Inspection of Subject: <input type="checkbox"/> Interior & Exterior <input checked="" type="checkbox"/> Exterior Only <input type="checkbox"/> None		
Inspection of Subject: <input type="checkbox"/> Interior & Exterior <input type="checkbox"/> Exterior Only <input type="checkbox"/> None		
Date of Inspection: October 13, 2010		
Date of Inspection: _____		



# ADDITIONAL COMPARABLE SALES

File No.: M1010021

FEATURE		SUBJECT		COMPARABLE SALE #4			COMPARABLE SALE #5			COMPARABLE SALE #6			
Address 44523 Highway 6 & 24 Glenwood Springs, CO 81601-97		1808 County Road 245 New Castle, CO 81647											
Proximity to Subject		5.15 miles W											
Sale Price		\$ Market Value		\$ 420,000			\$			\$			
Sale Price/GLA		\$ N/A/sq.ft.		\$ 222.93 /sq.ft.			\$ /sq.ft.			\$ /sq.ft.			
Data Source(s)		Inspection		Garfield County Assessor									
Verification Source(s)		County Records		MLS # 112668 - 74 DOM									
VALUE ADJUSTMENTS		DESCRIPTION		DESCRIPTION		+(-) \$ Adjust.	DESCRIPTION		+(-) \$ Adjust.	DESCRIPTION		+(-) \$ Adjust.	
Sales or Financing		N/A		Conventional									
Concessions		N/A		None Known									
Date of Sale/Time		N/A		10/27/2009									
Rights Appraised		Fee Simple		Fee Simple									
Location		Suburban		Suburban									
Site		20.22 Acres		2.0 Acres			+91,000						
View		Res/Mtns		Res/Mtns									
Design (Style)		Ranch/Bmt		Ranch/Bmt									
Quality of Construction		Frame		Frame									
Age		111 Years		12 Years									
Condition		Average		Average									
Above Grade		Total	Bdrms	Baths	Total	Bdrms	Baths	Total	Bdrms	Baths	Total	Bdrms	Baths
Room Count		9	3	2.00	7	3	2.50						
Gross Living Area		1,413 sq.ft.		1,884 sq.ft.			-14,130	sq.ft.		sq.ft.			
Basement & Finished Rooms Below Grade		1,662 Sf/Finishd See Sketch		845 Sf/Finished N/A			+12,255						
Functional Utility		Average		Average									
Heating/Cooling		ElctBB/None		ElctBB/Evap			-1,000						
Energy Efficient Items		Std Insulation		Std Insulation									
Garage/Carport		None		3 Car Attached			-12,000						
Porch/Patio/Deck		Prch/Ptos2/CvrDeck		Prch/Pto/CvrDk			+1,500						
Stove/Fireplace		Gas Fireplace-2		Gas Fireplace 2									
Additional Dwelling		Yes - Not Included		None									
Net Adjustment (Total)				<input checked="" type="checkbox"/> + <input type="checkbox"/> -	\$ 74,625		<input type="checkbox"/> + <input type="checkbox"/> -	\$		<input type="checkbox"/> + <input type="checkbox"/> -	\$		
Adjusted Sale Price of Comparables				Net 17.8%	\$ 494,625		Net %	\$		Net %	\$		
				Gross 32.1%			Gross %	\$		Gross %	\$		
Summary of Sales Comparison Approach		N/A											

SALES COMPARISON APPROACH



**Assumptions & Limiting Conditions**

File No.: M1010021

Property Address: 44523 Highway 6	City: Glenwood Springs	State: CO	Zip Code: 81601-9784
Client: Gabossi, Roc A.	Address: 44523 Hwy 6 & 24 Glenwood Springs, CO 81601		
Appraiser: Matt Elliott	Address: 593 Birchwood Ct., Fruita, CO 81521		

**STATEMENT OF ASSUMPTIONS & LIMITING CONDITIONS**

- The appraiser will not be responsible for matters of a legal nature that affect either the property being appraised or the title to it. The appraiser assumes that the title is good and marketable and, therefore, will not render any opinions about the title. The property is appraised on the basis of it being under responsible ownership.
- The appraiser may have provided a sketch in the appraisal report to show approximate dimensions of the improvements, and any such sketch is included only to assist the reader of the report in visualizing the property and understanding the appraiser's determination of its size. Unless otherwise indicated, a Land Survey was not performed.
- If so indicated, the appraiser has examined the available flood maps that are provided by the Federal Emergency Management Agency (or other data sources) and has noted in the appraisal report whether the subject site is located in an identified Special Flood Hazard Area. Because the appraiser is not a surveyor, he or she makes no guarantees, express or implied, regarding this determination.
- The appraiser will not give testimony or appear in court because he or she made an appraisal of the property in question, unless specific arrangements to do so have been made beforehand.
- If the cost approach is included in this appraisal, the appraiser has estimated the value of the land in the cost approach at its highest and best use, and the improvements at their contributory value. These separate valuations of the land and improvements must not be used in conjunction with any other appraisal and are invalid if they are so used. Unless otherwise specifically indicated, the cost approach value is not an insurance value, and should not be used as such.
- The appraiser has noted in the appraisal report any adverse conditions (including, but not limited to, needed repairs, depreciation, the presence of hazardous wastes, toxic substances, etc.) observed during the inspection of the subject property, or that he or she became aware of during the normal research involved in performing the appraisal. Unless otherwise stated in the appraisal report, the appraiser has no knowledge of any hidden or unapparent conditions of the property, or adverse environmental conditions (including, but not limited to, the presence of hazardous wastes, toxic substances, etc.) that would make the property more or less valuable, and has assumed that there are no such conditions and makes no guarantees or warranties, express or implied, regarding the condition of the property. The appraiser will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. Because the appraiser is not an expert in the field of environmental hazards, the appraisal report must not be considered as an environmental assessment of the property.
- The appraiser obtained the information, estimates, and opinions that were expressed in the appraisal report from sources that he or she considers to be reliable and believes them to be true and correct. The appraiser does not assume responsibility for the accuracy of such items that were furnished by other parties.
- The appraiser will not disclose the contents of the appraisal report except as provided for in the Uniform Standards of Professional Appraisal Practice, and any applicable federal, state or local laws.
- If this appraisal is indicated as subject to satisfactory completion, repairs, or alterations, the appraiser has based his or her appraisal report and valuation conclusion on the assumption that completion of the improvements will be performed in a workmanlike manner.
- An appraiser's client is the party (or parties) who engage an appraiser in a specific assignment. Any other party acquiring this report from the client does not become a party to the appraiser-client relationship. Any persons receiving this appraisal report because of disclosure requirements applicable to the appraiser's client do not become intended users of this report unless specifically identified by the client at the time of the assignment.
- The appraiser's written consent and approval must be obtained before this appraisal report can be conveyed by anyone to the public, through advertising, public relations, news, sales, or by means of any other media, or by its inclusion in a private or public database.
- An appraisal of real property is not a 'home inspection' and should not be construed as such. As part of the valuation process, the appraiser performs a non-invasive visual inventory that is not intended to reveal defects or detrimental conditions that are not readily apparent. The presence of such conditions or defects could adversely affect the appraiser's opinion of value. Clients with concerns about such potential negative factors are encouraged to engage the appropriate type of expert to investigate.

**Definitions & Scope of Work**

File No.: M1010021

Property Address: 44523 Highway 6	City: Glenwood Springs	State: CO	Zip Code: 81601-9784
Client: Gabossi, Roc A.	Address: 44523 Hwy 6 & 24 Glenwood Springs, CO 81601		
Appraiser: Matt Elliott	Address: 593 Birchwood Ct., Fruita, CO 81521		

**DEFINITION OF MARKET VALUE \*:**

Market value means the most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

1. Buyer and seller are typically motivated;
2. Both parties are well informed or well advised and acting in what they consider their own best interests;
3. A reasonable time is allowed for exposure in the open market;
4. Payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
5. The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

\* This definition is from regulations published by federal regulatory agencies pursuant to Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act (FIRREA) of 1989 between July 5, 1990, and August 24, 1990, by the Federal Reserve System (FRS), National Credit Union Administration (NCUA), Federal Deposit Insurance Corporation (FDIC), the Office of Thrift Supervision (OTS), and the Office of Comptroller of the Currency (OCC). This definition is also referenced in regulations jointly published by the OCC, OTS, FRS, and FDIC on June 7, 1994, and in the Interagency Appraisal and Evaluation Guidelines, dated October 27, 1994.

The Scope of Work is the type and extent of research and analyses performed in an appraisal assignment that is required to produce credible assignment results, given the nature of the appraisal problem, the specific requirements of the intended user(s) and the intended use of the appraisal report. Reliance upon this report, regardless of how acquired, by any party or for any use, other than those specified in this report by the Appraiser, is prohibited. The Opinion of Value that is the conclusion of this report is credible only within the context of the Scope of Work, Effective Date, the Date of Report, the Intended User(s), the Intended Use, the stated Assumptions and Limiting Conditions, any Hypothetical Conditions and/or Extraordinary Assumptions, and the Type of Value, as defined herein. The appraiser, appraisal firm, and related parties assume no obligation, liability, or accountability, and will not be responsible for any unauthorized use of this report or its conclusions.

Under USPAP Standards Rule 2-2(c), this is a Restricted Use Appraisal Report, and is intended only for the sole use of the named client. There are no other intended users. The client must clearly understand that the appraiser's opinions and conclusions may not be understood properly without additional information in the appraiser's work file.

In developing this appraisal, the appraiser has incorporated only the Sales Comparison Approach. The appraiser has excluded the Cost and Income Approaches to Value, due to being inapplicable given the limited scope of the appraisal. The appraiser has determined that this appraisal process is not so limited that the results of the assignment are no longer credible, and the client agrees that the limited scope of analysis is appropriate given the intended use.

Additional Comments (Scope of Work, Extraordinary Assumptions, Hypothetical Conditions, etc.):

# Certifications

File No.: M1010021

Property Address: 44523 Highway 6 City: Glenwood Springs State: CO Zip Code: 81601-9784  
 Client: Gabossi, Roc A. Address: 44523 Hwy 6 & 24 Glenwood Springs, CO 81601  
 Appraiser: Matt Elliott Address: 593 Birchwood Ct., Fruita, CO 81521

## APPRAISER'S CERTIFICATION

### I certify that, to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The credibility of this report, for the stated use by the stated user(s), of the reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
- I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice that were in effect at the time this report was prepared.
- I did not base, either partially or completely, my analysis and/or the opinion of value in the appraisal report on the race, color, religion, sex, handicap, familial status, or national origin of either the prospective owners or occupants of the subject property, or of the present owners or occupants of the properties in the vicinity of the subject property.
- Unless otherwise indicated, I have made a personal inspection of the property that is the subject of this report.
- Unless otherwise indicated, no one provided significant real property appraisal assistance to the person(s) signing this certification.
- Unless otherwise indicated, I have performed no services regarding the subject property within the prior three years, as an appraiser or in any other capacity.

### Additional Certifications:

Client Contact: Gabossi, Roc A. Client Name: Gabossi, Roc A.  
 E-Mail: rocky@pitkiniron.com Address: 44523 Hwy 6 & 24 Glenwood Springs, CO 81601

## APPRAISER

*Matt Elliott*

Appraiser Name: Matt Elliott  
 Company: Bookcliff Appraisal Services, Inc.  
 Phone: (970) 639-2598 Fax: (509) 562-7169  
 E-Mail: musicman04@bresnan.net  
 Date Report Signed: November 15, 2010  
 License or Certification #: CR-40040964 State: CO  
 Designation: N/A  
 Expiration Date of License or Certification: 12/31/2011  
 Inspection of Subject:  Interior & Exterior  Exterior Only  None  
 Date of Inspection: October 13, 2010

## SUPERVISORY APPRAISER (if required) or CO-APPRAISER (if applicable)

Supervisory or  
Co-Appraiser Name: \_\_\_\_\_  
 Company: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 E-Mail: \_\_\_\_\_  
 Date Report Signed: \_\_\_\_\_  
 License or Certification #: \_\_\_\_\_ State: \_\_\_\_\_  
 Designation: \_\_\_\_\_  
 Expiration Date of License or Certification: \_\_\_\_\_  
 Inspection of Subject:  Interior & Exterior  Exterior Only  None  
 Date of Inspection: \_\_\_\_\_

SIGNATURES



**Supplemental Addendum**

File No. M1010021

Borrower/Client	Gabossi, Roc A.				
Property Address	44523 Highway 6				
City	Glenwood Springs	County	Garfield	State	CO Zip Code 81601-9784
Lender	Gabossi, Roc A.				

**GP - Restricted: Purpose of this Appraisal**

The purpose of this appraisal is to estimate the market value of the property described in this appraisal report, as improved, in unencumbered fee simple title of ownership.

**GP - Restricted: Scope of Work**

The Scope of this appraisal is to perform the research and analysis to arrive at a well supported opinion of value. The data collected during the research and analysis phase is then used to extract the market data used for the development of the appropriate approaches to value as needed to satisfy the scope of work of the appraisal. An inspection of the subject property and environment in which it is located.

The public records were researched for information on ownership, real estates assessments, real estates taxes, utilities availability, and zoning regulations. The appraiser has examined all available, appropriate public records, multiple listing services, and if applicable, the appraisers own records to obtain comparable information utilized in this report. Where possible, all information has been verified with the public records, builder, real estate agents, drive-by inspections of the exteriors of each comparable, and if appropriate with the property owner.

Other data, such as census tracts, flood zone data, and legal descriptions have been taken from official local, state, and federal government records, data maps, or other sources identified in this report.

In the case of new construction, all subject property improvements are by plans and specifications supplied by the builder and verified by a visit to the subject's site to inspect the improvements if they are partially existing. The data is also verified with the site agent, builder, and/or the appraisers own observations.

During the course of the research, every possible effort was made to verify information through public records, proprietary records, property owners, real estate agents, and the appraisers own observations. The most pertinent data, in the appraisers opinion, was assembled and analyzed in relation to the subject property. This information and analysis was then processed into the final opinion of market value for the subject property used widely accepted appraisal principles and practices.

This Scope of Work is in accordance with the Uniform Standards of appraisal Practice (USPAP), and in accordance with the client's supplemental standards. The use of any approach to value si based on the appraisers market research and knowledge that such an approach is required to provide a credible appraisal report.

**Mechanical Systems and Undisclosed Conditions:**

The subject properties mechanical systems were not checked by the appraiser. This appraisal has been completed under the extraordinary assumption that all mechanical systems (i.e. electrical, plumbing, heating, cooling, etc.) were in working order as of the effective date of this appraisal, unless obvious deficiencies were noted during the walk through inspection on 12/2009 and the exterior inspection on 10/13/2010, and noted in this report.

The appraisers inspection was limited to viewing those portions of the home/property which are clearly visible from the ground or floor level and did not include an inspection of the subject's crawl space, attic, or other areas that would not be visible to the typical visitor to the home. This appraisal has been completed under the extraordinary assumption that there are no adverse conditions or defects which would be disclosed only by inspection of those areas which are not visible to the typical visitor.

Although the appraiser did not complete and tests of the subject's mechanical systems or inspect non-visible areas in close detail, there were no readily apparent signs of structural deficiencies or mechanical system failures noted during the visual inspection (e.g. damage from plumbing leaks, lacks of electrical power, lack of heat, lack of water etc.).

**GP - Restricted: Intended User**

The Intended User of this appraisal report is **Gabossi, Roc A.** The intended use is to evaluate the property that is the subject of this appraisal for an opinion of Market Value, subject to the stated Scope of Work, purpose of the appraisal, reporting requirements of this appraisal report form and the definition of Market Value. No additional intended users are identified by the appraiser.

This appraisal is made solely for the client of **Bookcliff Appraisal Services, Inc.** The purpose of the appraisal is to estimate the market value of the subject property as of the date of the appraisal. The appraiser has inspected the interior and exterior on 12/2009 and an exterior only inspection on 10/13/2010, of the subject and has made an exterior inspection of the comparable sales used in the report, unless otherwise indicated. The inspection does not constitute a home inspection. A qualified home inspection should be obtained if there are questions concerning the condition of mechanical, plumbing, electric, or structural components of the subject. All sales have been researched and verified by local data sources. Whenever possible the brokers involved with the sales transactions are contacted to verify information and to obtain additional data concerning the sales. All information obtained by local data sources is deemed to be reliable and true, but is not guaranteed. Adjustments are made in the market grid to reflect differences discernible in the marketplace. Items that have no impact upon value are not included in

**Supplemental Addendum**

File No. M1010021

Borrower/Client	Gabossi, Roc A.			
Property Address	44523 Highway 6			
City	Glenwood Springs	County	Garfield	State CO Zip Code 81601-9784
Lender	Gabossi, Roc A.			

the market grid, i.e. : disposable or old appliances with no value. Items such as whirlpool tubs or wetbars may or may not be individually adjusted for, they may be considered in the over-all quality of construction rating. Site adjustments generally reflect differences in the land values, landscaping, and view amenities. When reconciling a final estimate of value all pertinent factors are weighed including, but not limited to, the range of indicated values of the comparable sales, the strength of the comparable sales, the cost approach and its reliability, the income approach when applicable, competing listings, and general market conditions. Generally reproduction costs are used for properties ten years old or newer and replacement costs are used for properties over ten years old.

Appraised values can differ significantly from actual sale prices, and sale prices may be inconsistent. Real estate appraisers sometimes differ widely in their opinions of value. Appraisers, like buyers and sellers, do not know everything about the property, the market, or the many other considerations that might influence the value. Differences sometimes result from a client presenting the property in a very positive or negative light especially if there is no data to the contrary. Situations under which properties sell can vary depending on management of the property, various motives of the seller and buyer, information they may or may not have about the property, salesmanship, and numerous other reasons. An appraisal is only an opinion--a sale is a fact.

**GP - Restricted: Digital Signature Statement**

I attest that the digital signature used in this report is that of my own.

Digital signatures are ASB (Appraisal Standards Board) and USPAP (Uniform Standards of Professional Appraisal Practice) compliant as long as they meet the following two requirements:

- 1.) The report must transmit in its entirety.
- 2.) They are secure and the report can not be altered in any way after it has been signed.

Both of these conditions have been met using the current appraisal software by Alamode.

**GP - Restricted: Additional Comments**

1. The appraiser or appraisers of this property adhere to the Uniform Standards of Professional Appraisal Practice. This appraisal assignment was not based on a requested minimum valuation, a specific valuation, or the approval of the loan. USPAP also states: "An appraiser must not allow assignment conditions or other factors to limit the extent of research or analysis to such a degree that the resulting opinions and conclusions developed in an assignment are not credible in the context of the intended use of the appraisal."
2. The appraiser measured the subject property on 12/2009, and the Gross Living Area (GLA) may be different than the GLA indicated by the builder's plans or the assessor records. This is typical, and may be due to differences in construction materials, plan variations, measuring techniques or rounding. The subject property GLA indicated in the Sales Comparison Approach is the GLA provided by the appraisers exterior measurements. The sketch and measurements shown in this report are approximate and not intended to be exact nor drawn to scale. They are to be used to assist the reader in visualizing the appraisers determination of the subject's size.
3. The word "average" is used in several places within this report. As used in this report, the context of the word implies that what is being described is "average" for the style, amenity, size, and area of what is being described. What is being described as "average" does not necessarily mean that it is "average" for ALL areas. For example, a million dollar house could and would not be described as "average" when comparing it to a two hundred thousand dollar property. However, solid granite counter tops would be considered an "average" amenity in a million dollar home and not an upgrade, while the same counter tops would definitely be considered an over-improvement in a two hundred thousand dollar home, unless the appraiser has knowledge that this improvement is a common upgrade for the subject's immediate area.
4. In the "Present Land Use" area on page 1 any indicated percentage other than "0" implies vacant land that has not been improved upon. This land could include, but is not limited to, and or a combination of the following: vacant lots within a subdivision, parks, green / common areas, or acreage.
5. The subject was marked as being "suburban" rather than rural since most residents commute back and forth to work on a daily basis as so do all their neighbors. None of them make a living off of the land they own. Since the residents do commute appraiser calls this "suburban". Appraiser is fully aware that this definition does not fit the normal subdivision definition as some subdivision on the outskirts of a large metropolitan area such as New York City, Chicago, etc. The subject's zoning classification is Rural. This is a blanket zoning for the majority of residential areas in Garfield County not located in the various city/town limits in Garfield County.



**Supplemental Addendum**

File No. M1010021

Borrower/Client	Gabossi, Roc A.				
Property Address	44523 Highway 6				
City	Glenwood Springs	County	Garfield	State	CO
				Zip Code	81601-9784
Lender	Gabossi, Roc A.				

6. On this date, 11/15/2010, per the clients request this report was amended as he requested that the improved and unimproved acreage values be separated. The owner did supply the appraiser with a survey of the entire 20.22 acres that shows it is in the process of being subdivided into 4 separate parcels. The appraiser valued the subject site as one lum sum acreage of 20.22 acres. The subject and site improvements encompass 5+ acres of the 20.22 acres, and the house on the north-west corner of the site has a building envelope of 1.03 acres. This leaves 14.19 acres of undeveloped land, approximately. The unimproved acreage has an approximate market value of \$210,000 and the improved acreage has an approximate market value of 330,000. It must be noted that the individual vacant lots are worth more than the entire site combined. The appraiser did not give values for the individual lots as it was beyond the original Scope of Work. To determine values for the individual lots would require appraisals of each lot separately.

**.GP - Restricted: Digital Images**

Digitized images, such as photographs, maps, exhibits, etc. are unaltered from their original likeness. Digitized images may have been modified for formatting, brightness, or resolution. These modifications are to reduce file size or enhance readability and do not manipulate the original likeness.

**.GP - Restricted: File Photos**

Some of these photos are "file" photos. The appraiser routinely uses file photos after the subject has been driven by and visually inspected. The photos included are a true and accurate representation of the comparables as viewed by the appraiser.

**.GP - Restricted: Lot Dimensions**

Appraiser routinely checks with either the county assessor's office or the county planning department for both the size and the current zoning for the subject property. In most instances the exact dimensions are not listed in the various county database...the dimensions have already been converted into either total square footage or into acre(s). In some cases, especially city lots that are true squares or rectangles, the dimensions are listed. When the exact dimensions are listed in the various county databases appraiser will also list them on the report. If they are not listed, a statement such as "exact dimensions are not available" will be listed. This does not imply that appraiser did not search for this information...it only means that they were not available doing the customary research of the subject. USPAP does not require that a search actually reveal these numbers as they are only a means to obtain the site size (which is the ultimate goal)...and if the site size is available during the normal course of research, then the requirements have been completed. The appraiser relies on the accuracy of the county governmental agencies that handle such data to be true and complete.

**.GP- Restricted: Easements**

Any easement, restrictions, or covenants uncovered through the title search are to be submitted to the appraiser for consideration. The appraiser reserves the right to analyze all such information and amend the appraisal value, if necessary.

**• GP Restricted : Neighborhood - Description**

The subject is located in the Spring Creek area west of the City of Glenwood Springs and east of the Town of New Castle. The immediate neighborhood is comprised of single family homes, multi-family homes, commercial entities, and vacant land. Homes are typically ranch and multi-level in design in average to very good condition. The City of Glenwood Springs has an estimated 2008 population of 9053 residents. This is an increase of 17.0% from the 2000 population of 7736. During the 1990's the City of Glenwood Springs has an increase of 16.2% or approximately 1081 residents. The City of Glenwood Springs sits in a valley, with the Roaring Fork River running through the east end of town and draining into the Colorado River in the west end of town. The City of Glenwood Springs covers approximately 4.80 square miles. The Town of New Castle covers approximately 2.33 square miles and has an estimated 2008 population of 3796 residents. This is an increase of 91.3% from the 2000 population of 1984. During the 1990's the Town of New Castle had an increase of 175.9% or 1265 residents. The Town of New Castle was the fastest growing community in Garfield County, this growth is due to several factors. The first and primary factor was that housing was relatively affordable, and the Town of New Castle is close to the City of Glenwood Springs and Aspen, two primary employment centers in this area. The second factor is the natural gas boom in Garfield County and the high demand for affordable housing for the workers in this industry. This boom has slowed over the prior 18+ months due in part to the national economic crisis, in part to lower energy costs, and also in part to new state regulations that slowed the natural gas boom in this area of Garfield County. Shopping, schools, employment centers, recreational facilities and medical care are all located within 3 - 8 miles of the subject which is typical for this suburban area. The immediate area is comprised of single family homes (new to 100+ years).

**.GP - Restricted: Tax Liability**

The tax liability listed on page one of this report is the 2010 estimated tax using the 2009 mill levy.

**.GP - Restricted: Zoning Description**

**Rural (R).** The Rural Zone District is comprised of the County's rural residential areas, agricultural resource lands, agricultural production areas and natural resource areas. Uses, densities and standards established for this zone district are intended to protect the existing character of the area from uncontrolled and unmitigated residential, commercial and industrial use. The zone district provides for the use of natural resources, recreational development, rural residential and other uses.

**Supplemental Addendum**

File No. M1010021

Borrower/Client	Gabossi, Roc A.			
Property Address	44523 Highway 6			
City	Glenwood Springs	County	Garfield	State CO Zip Code 81601-9784
Lender	Gabossi, Roc A.			

**Lot and Building Requirements.**

1. Lot Size.
  - a. Minimum Lot Area: 2 acres
  - b. Maximum Lot Coverage, Residential Use: 15%
2. Minimum Setbacks.
  - a. Front Yard (measured from front lot line): Arterial Street 50' Local Street 25'
  - b. Side Yard: 10' or 1/2 of building height, whichever is greater
  - c. Rear Yard: 25'
3. Maximum Building Height: 40' non residential structures 25', residential structures

**GP - Restricted: Highest and Best Use**

The existing use is among those uses deemed legally permissible, physically possible, and financially feasible and is considered the most profitable use for the subject site as improved. Thus, the current use is considered an adequate expression of the concept of "Highest and Best Use as Improved". Further, it is my opinion that there are no legally permissible uses that would economically justify the removal of the existing improvement at this time.

**• GP Restricted: Improvements - Comments**

The subject is an older ranch style farm house with a full finished basement. The borrower has converted the main floor and the basement level into two separate living areas. The main floor consists of a living room, dining room, 2 bedrooms, kitchen/dining area, laundry room, full bath and sun room. This area of the home has had some interior remodeling and updating. This area is not being used as a rental area as it is currently occupied by the borrowers adult child. The basement has been completely remodeled and updated over the prior 4+ years. The basement contains a large forey, full bath, laundry room, kitchen/dining area, office, living room, and bedroom. The borrower currently occupies the basement level as the primary residence.

Both levels of this home use the same electrical service, well, septic, and the same propane tank. They also share the same street address.

The borrower has recently finished building a detached 1 1/2 story home, that is approximately 1500+ square feet, on the rear portion of the subject site. This building will contain a living room, kitchen/dining area, laundry room, 2 bedrooms, and 2 full baths. This structure is permitted by the current zoning regulations and 1500+ square feet is the largest an accessory unit as can be built. This home is supplied by its own well, septic, and electrical service. The appraiser did not give any value to this structure as of the effective date of this report it is not common in the area to have two separate buildings used as living quarters on one parcel and there is limited sales data to determine a market reaction. The appraiser did include photos of this building for reference.

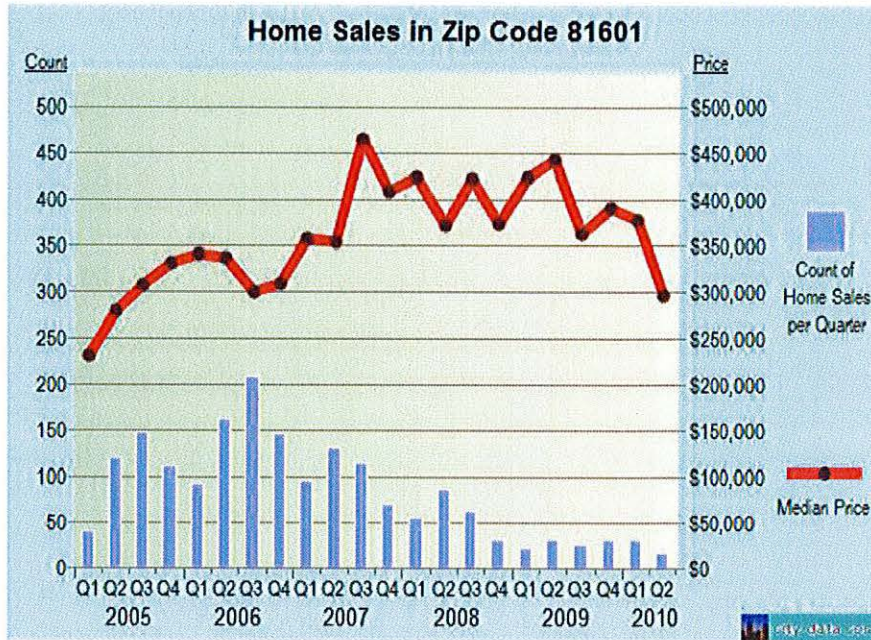
**• GP Restricted : Sales Comparison Analysis - Summary of Sales Comparison Approach**

All comparables are located in the same or as similar competing areas to the subject in this area of Garfield County. Each was considered as similar in quality, size, condition, and amenities as could be located on the Garfield County MLS and the Garfield County Assessors web site. The real estate market in this area of Garfield County has slowed significantly over the prior 18+ months. This slow down is due to the slow down in the natural gas industry. This industry brought people in from across the nation for employment. As this industry slowed people began to leave the area due to job loss or relocation. This decreased demand for housing has increased marketing times and reduced list prices and sales prices. The appraiser did not make a negative time adjustment to the dated sales used in this report as the actual sales prices for homes similar to the subject appear to be relatively stable. The appraiser included several graphs for the subject's zip code.

Comparables 1 - 4 are sales of homes as similar to the subject's total GLA (both above grade and below grade) as could be located. Due to the slow down in the real estate market, the appraiser did have to expand the search criteria to include homes newer in actual age and homes that are situated on smaller lot sizes than the subject. The appraiser did search the available databases for home sales similar in age and lot size. Sales of homes similar in age were located in the City of Glenwood Springs and the Town of New Castle, but as they are situated on much smaller city lots they were not deemed to be comparable. The appraiser was unable to locate any sales in the prior 12 months of homes on similar or larger lot sizes than the subject. The appraiser did not expand the search criteria over the 12 month time frame as the market conditions were vastly different in comparison to the current market conditions. The subject's site size is not uncommon for this area but sales of homes on similar or larger lot sizes are rare as the owners of these lot typically enjoy the privacy and semi-seclusion associated with these lots.

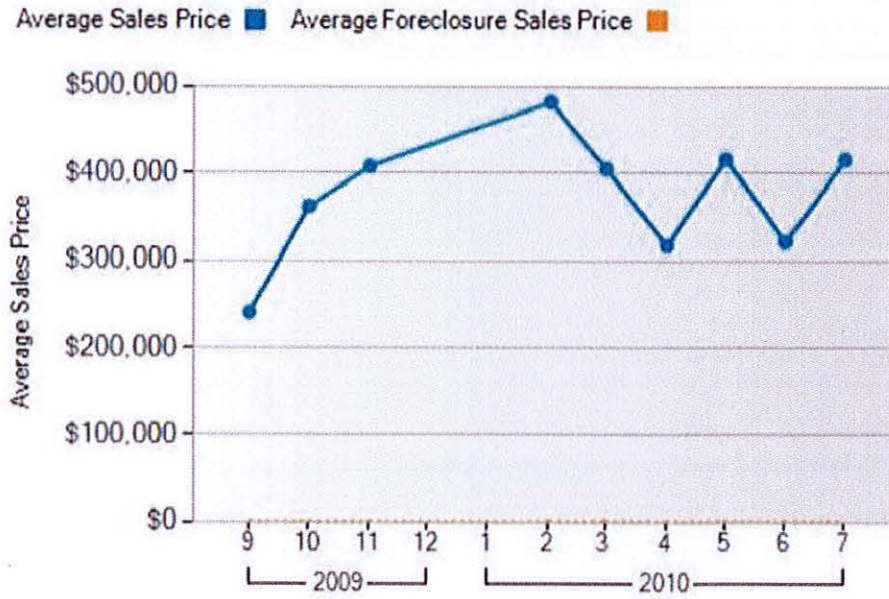
The subject is atypical in the way it is configured. The borrowers live in the remodeled and updated basement level, and have an adult child living in the above grade portion. It is more common that the above grade GLA be used as the primary residence and the basement to be used as the accessory unit. The appraiser also searched the available databases for sales of homes with accessory units, and located comparable 4. Per the MLS datasheet for this comparable, the basements square footage is currently configured and used as an accessory unit. Homes with accessory units in this area of Garfield County are typically larger (3000+ square foot) custom built homes that are not sold with a high frequency are they built to the owners specifications

### 81601 Home Sales - City-Data.com



### 81601 Home Sales - RealtyTrac.com

#### Average Sales Price - 81601



# 81601 Home Sales - Trulia.com

## Glenwood Springs, 81601 Market Trends

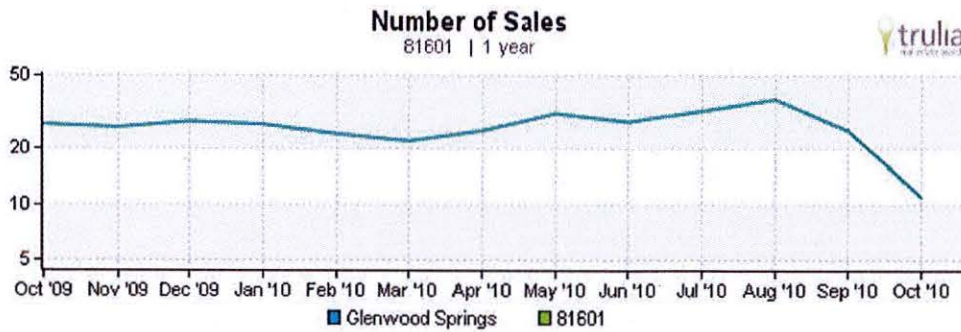
Today, October 15, 2010

### Median Sales Price in 81601

Embed Info

Glenwood Springs  81601

1 yr 5 yr Max



Location	Jul - Sep '10	y-o-y	3 months prior	1 year prior	5 years prior
81601	\$410,000	+6.5%	\$314,500	\$385,000	\$317,500
Glenwood Springs	\$410,000	+6.5%	\$314,500	\$385,000	\$315,500

### 81601 Home Sales - Zillow.com

81601

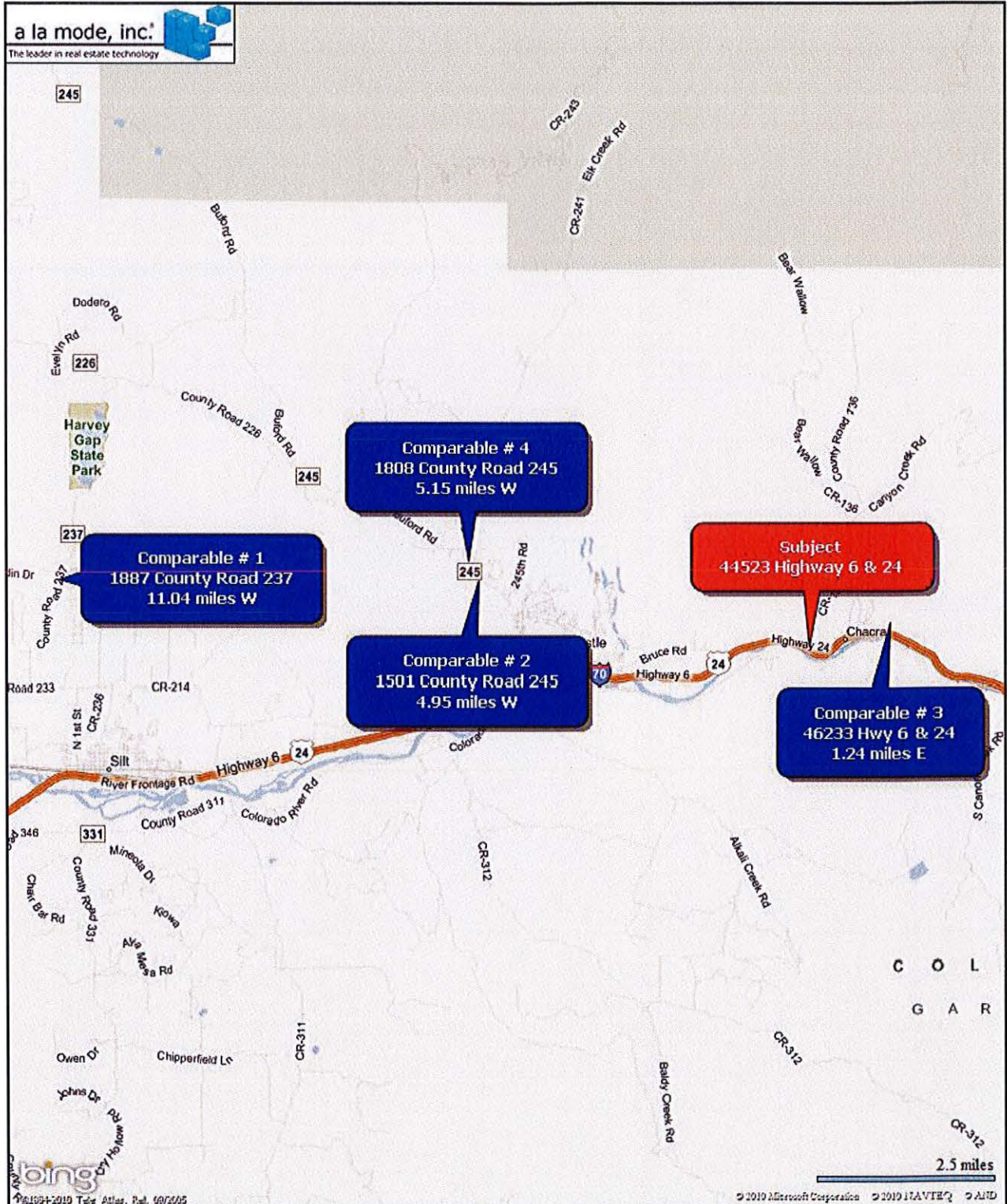


Region	M-o-M	Q-o-Q	Y-o-Y	Sep 2010
81601	-1.3	0.0	-5.1	\$ 375,000

\* Includes data and transactions through 09/30/2010

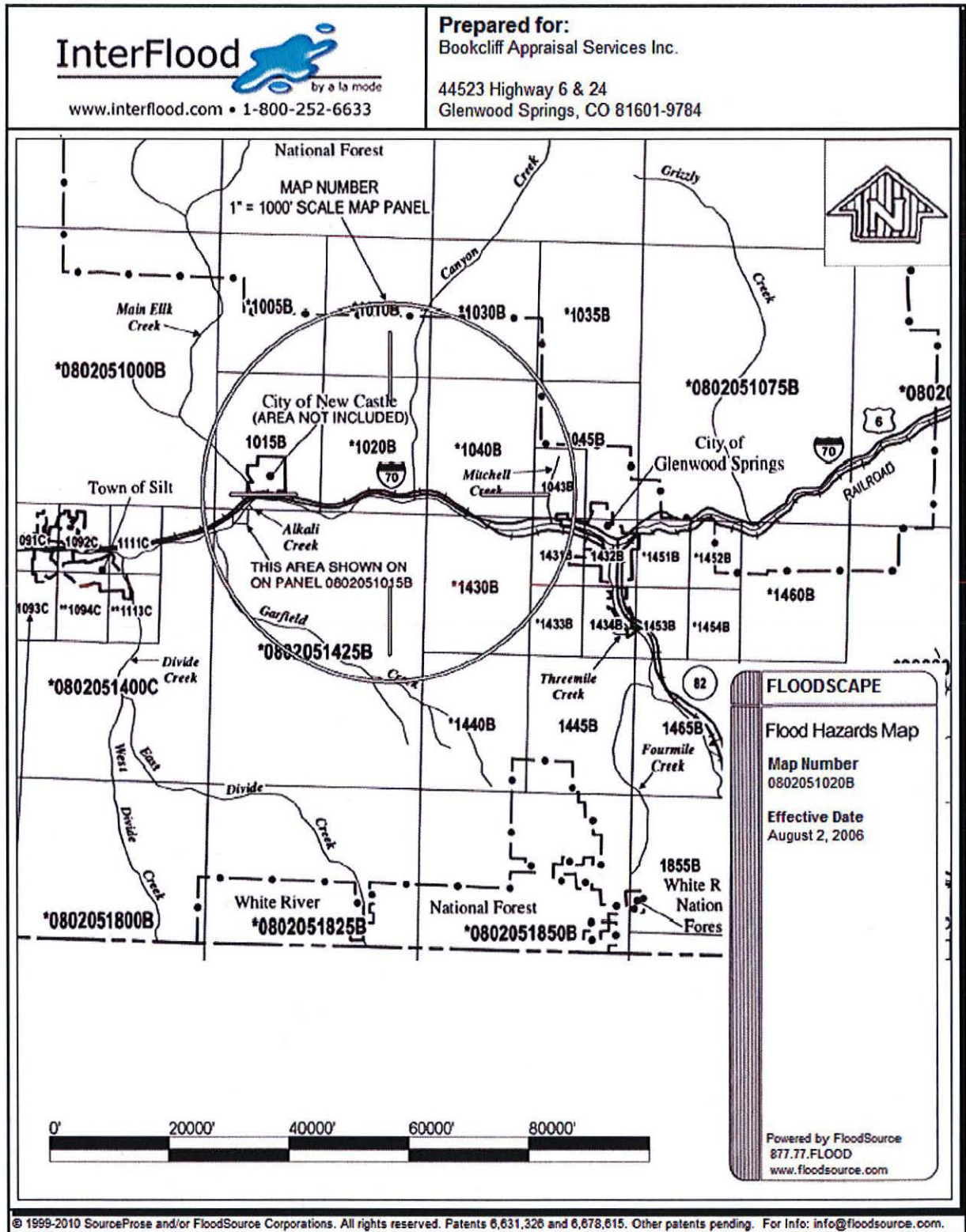
### Location Map

Borrower/Client	Gabossi, Roc A.		
Property Address	44523 Highway 6		
City	Glenwood Springs	County	Garfield
Lender	Gabossi, Roc A.	State	CO
		Zip Code	81601-9784



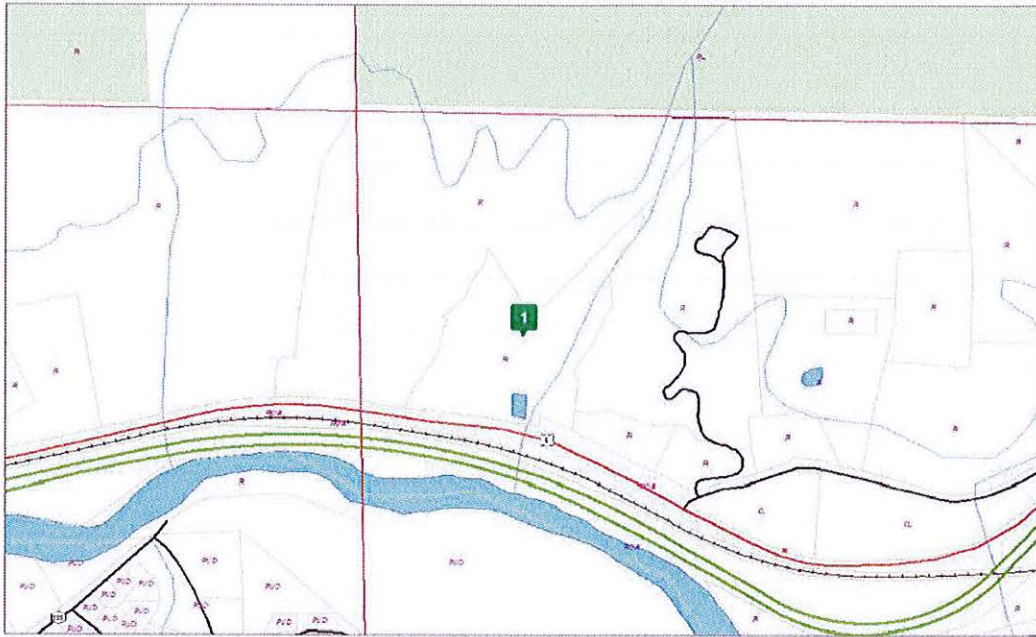
# Flood Map

Borrower/Client	Gabossi, Roc A.		
Property Address	44523 Highway 6		
City	Glenwood Springs	County	Garfield State CO Zip Code 81601-9784
Lender	Gabossi, Roc A.		



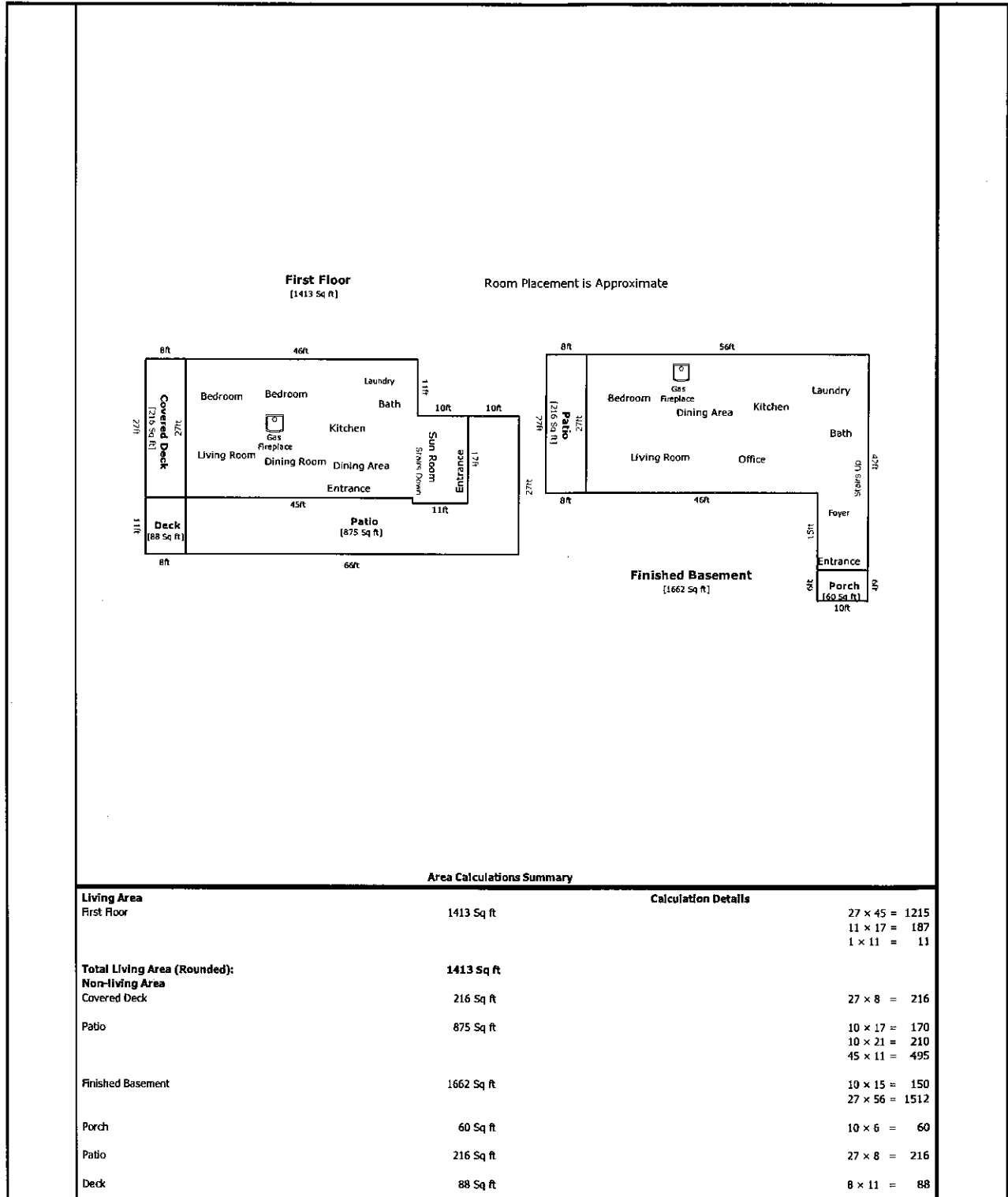


# Plat/Zoning Map



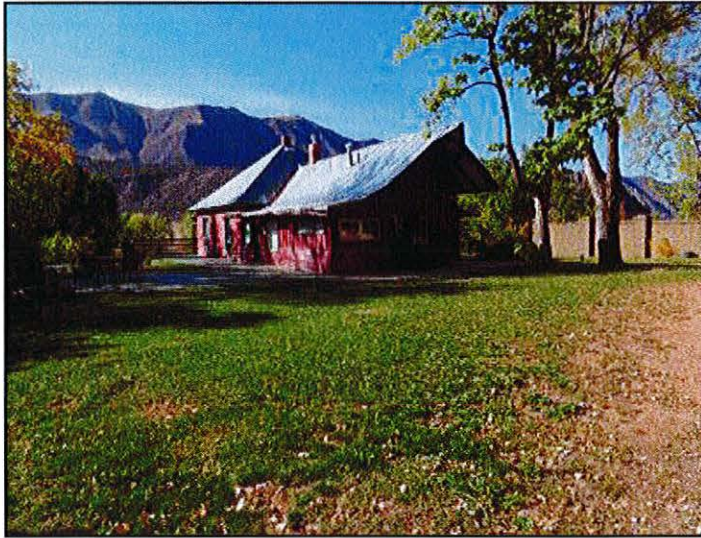
### Building Sketch

Borrower/Client	Gabossi, Roc A.		
Property Address	44523 Highway 6		
City	Glenwood Springs	County Garfield	State CO Zip Code 81601-9784
Lender	Gabossi, Roc A.		



**Subject Photo Page**

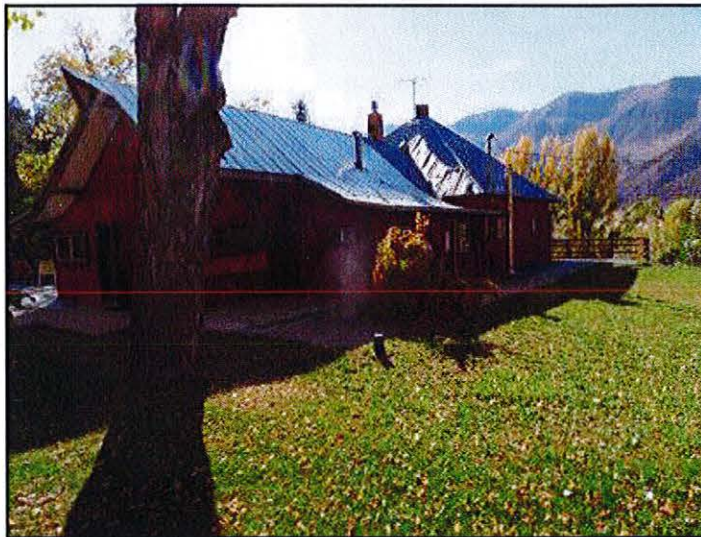
Borrower/Client	Gabossi, Roc A.				
Property Address	44523 Highway 6				
City	Glenwood Springs	County	Garfield	State	CO Zip Code 81601-9784
Lender	Gabossi, Roc A.				



**Subject Front**

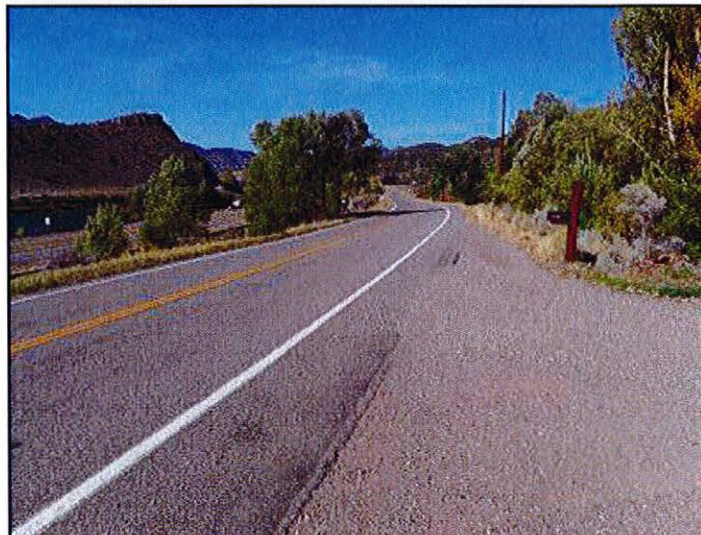
44523 Highway 6 & 24  
 Sales Price Market Value  
 Gross Living Area 1,413  
 Total Rooms 9  
 Total Bedrooms 3  
 Total Bathrooms 2.00  
 Location Suburban  
 View Res/Mtns  
 Site 20.22 Acres  
 Quality Frame  
 Age 111 Years

Photo Taken 10/13/2010



**Subject Rear**

Photo Taken 10/13/2010



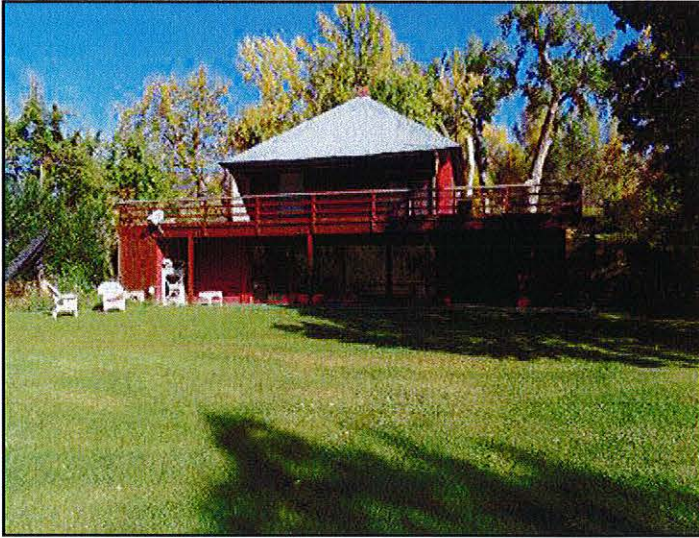
**Subject Street**

Facing west.  
 The subject is on the right - not visible.

Photo Taken 10/13/2010

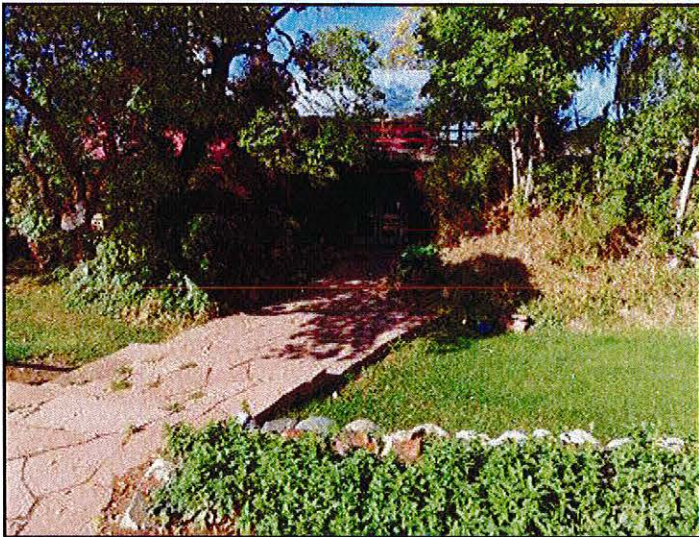
**PHOTOGRAPH ADDENDUM**

Borrower/Client	Gabossi, Roc A.				
Property Address	44523 Highway 6				
City	Glenwood Springs	County	Garfield	State	CO Zip Code 81601-9784
Lender	Gabossi, Roc A.				



Side view.

Photo taken - 10/13/2010



Exterior entrance to basement level.

Photo taken - 10/13/2010



Kitchen in the basement.

Photo taken - 12/2009

### Photograph Addendum

Borrower/Client	Gabossi, Roc A.				
Property Address	44523 Highway 6				
City	Glenwood Springs	County	Garfield	State	CO Zip Code 81601-9784
Lender	Gabossi, Roc A.				



Full bath in the basement.

Photo taken - 12/2009



Living room in the basement.

Photo taken - 12/2009



Gas fireplace in the basement.

Photo taken - 12/2009

### Photograph Addendum

Borrower/Client	Gabossi, Roc A.				
Property Address	44523 Highway 6				
City	Glenwood Springs	County	Garfield	State	CO Zip Code 81601-9784
Lender	Gabossi, Roc A.				



Full bath on the main floor.

Photo taken - 12/2009



Kitchen on the main floor.

Photo taken - 12/2009



Living room on the main floor.

Photo taken - 12/2009

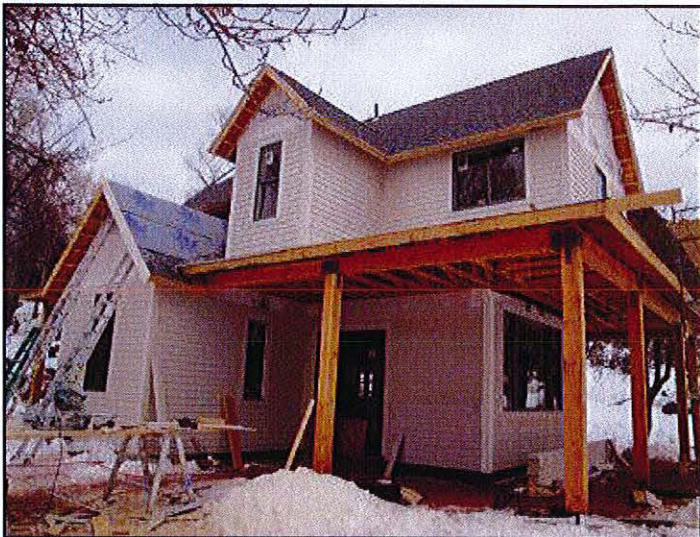
### Photograph Addendum

Borrower/Client	Gabossi, Roc A.				
Property Address	44523 Highway 6				
City	Glenwood Springs	County	Garfield	State	CO Zip Code 81601-9784
Lender	Gabossi, Roc A.				



Gas fireplace on the main floor.

Photo taken - 12/2009



1500+ square foot detached accessory unit - not included in the opinion of value.

Photo taken - 12/2009

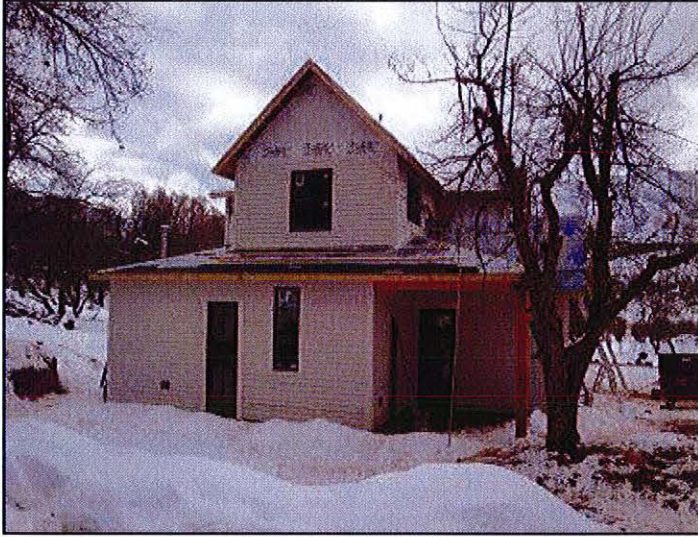


1500+ square foot detached accessory unit - not included in the opinion of value.

Photo taken - 12/2009

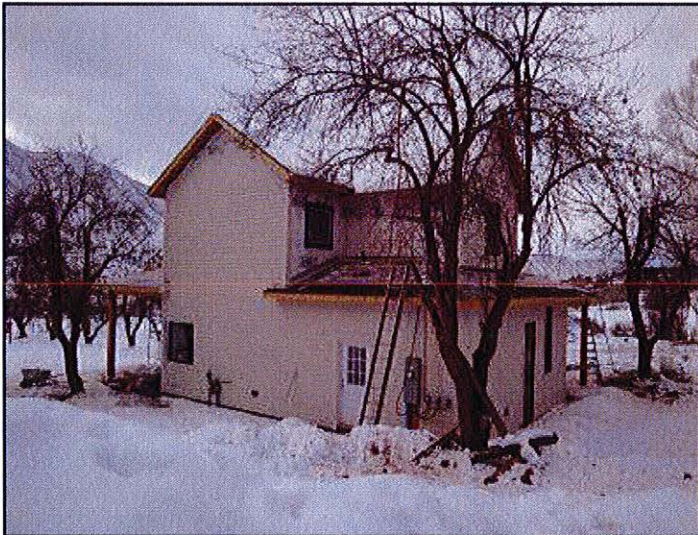
### Photograph Addendum

Borrower/Client	Gabossi, Roc A.				
Property Address	44523 Highway 6				
City	Glenwood Springs	County	Garfield	State	CO Zip Code 81601-9784
Lender	Gabossi, Roc A.				



1500+ square foot detached accessory unit - not included in the opinion of value.

Photo taken - 12/2009



1500+ square foot detached accessory unit - not included in the opinion of value.

Photo taken - 12/2009



Interior of the detached accessory unit.

Photo taken - 12/2009



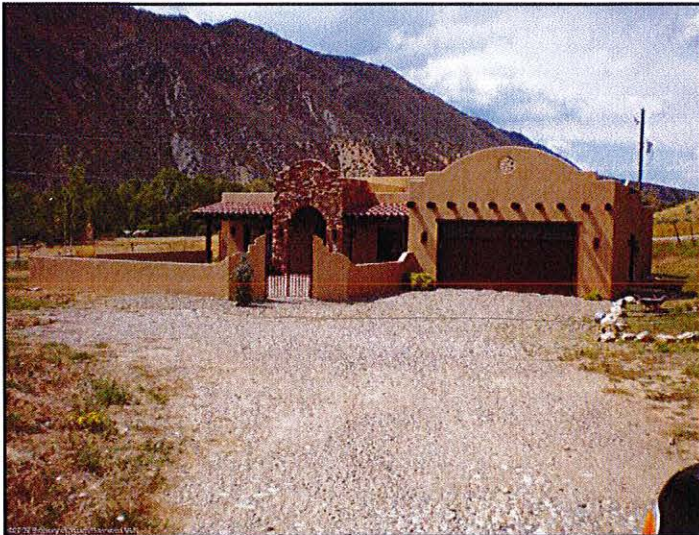
## Comparable Photo Page

Borrower/Client	Gabossi, Roc A.				
Property Address	44523 Highway 6				
City	Glenwood Springs	County	Garfield	State	CO Zip Code 81601-9784
Lender	Gabossi, Roc A.				



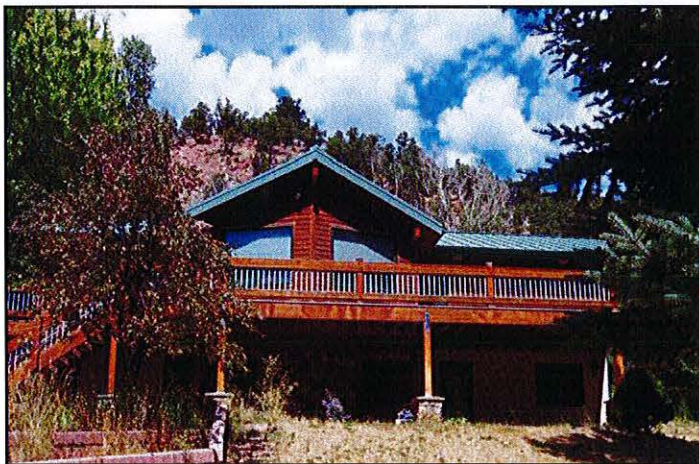
### Comparable 1

1887 County Road 237  
 Prox. to Subject 11.04 miles W  
 Sale Price 480,000  
 Gross Living Area 1,176  
 Total Rooms 4  
 Total Bedrooms 2  
 Total Bathrooms 2.00  
 Location Suburban  
 View Res/Mtns  
 Site 3.52 Acres  
 Quality Frame  
 Age 28 Years



### Comparable 2

1501 County Road 245  
 Prox. to Subject 4.95 miles W  
 Sale Price 550,000  
 Gross Living Area 2,186  
 Total Rooms 7  
 Total Bedrooms 3  
 Total Bathrooms 2.00  
 Location Suburban  
 View Res/Mtns  
 Site 4.14 Acre  
 Quality Frame  
 Age 5 Years

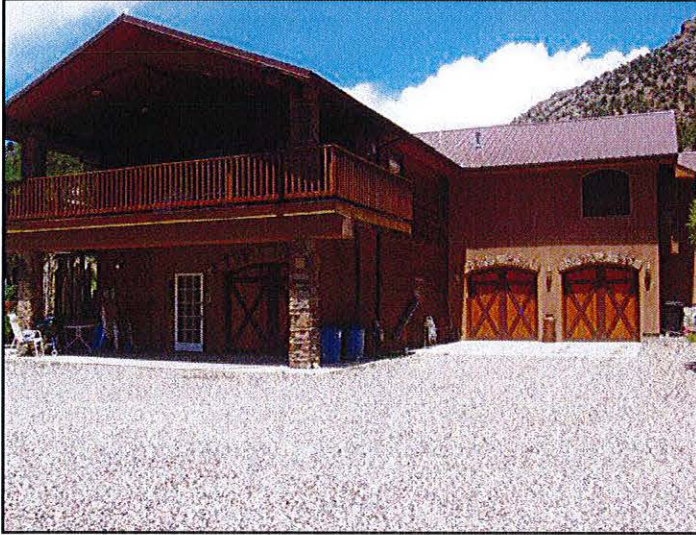


### Comparable 3

46233 Hwy 6 & 24  
 Prox. to Subject 1.24 miles E  
 Sale Price 485,000  
 Gross Living Area 1,650  
 Total Rooms 7  
 Total Bedrooms 4  
 Total Bathrooms 2.50  
 Location Suburban  
 View Res/Mtns  
 Site 9.06 Acres  
 Quality Frame  
 Age 12 Years

## Comparable Photo Page

Borrower/Client	Gabossi, Roc A.				
Property Address	44523 Highway 6				
City	Glenwood Springs	County	Garfield	State	CO Zip Code 81601-9784
Lender	Gabossi, Roc A.				



### Comparable 4

1808 County Road 245  
 Prox. to Subject 5.15 miles W  
 Sale Price 420,000  
 Gross Living Area 1,884  
 Total Rooms 7  
 Total Bedrooms 3  
 Total Bathrooms 2.50  
 Location Suburban  
 View Res/Mtns  
 Site 2.0 Acres  
 Quality Frame  
 Age 12 Years

### Comparable 5

Prox. to Subject  
 Sale Price  
 Gross Living Area  
 Total Rooms  
 Total Bedrooms  
 Total Bathrooms  
 Location  
 View  
 Site  
 Quality  
 Age

### Comparable 6

Prox. to Subject  
 Sale Price  
 Gross Living Area  
 Total Rooms  
 Total Bedrooms  
 Total Bathrooms  
 Location  
 View  
 Site  
 Quality  
 Age

# Appraisers License

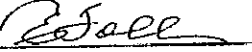
**STATE OF COLORADO**  
Department of Regulatory Agencies  
Division of Real Estate

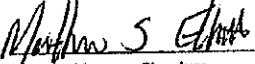
Active PRINTED ON SECURE PAPER  
Cert Residential Appraiser

40040964 Number	Jan 1 2009 Issue Date	Dec 31 2011 Expires
--------------------	--------------------------	------------------------

MATHEW S ELLIOTT  
GRAND JUNCTION, CO 81504

COPY

  
Program Administrator

  
Licensee Signature

schools determined to be reasonably necessary to serve the proposed subdivision and future residents.

- a. **Formula for Land Dedication Standard.**  
 Land Area Provided Per Student x  
 Students Generated Per Dwelling Unit =  
 Land Dedication Standard.

- (1) **Land Area Provided Per Student.** The District has determined that 1,776 square feet of land per student shall be provided for future school sites, based on the following considerations.

	<b>Reasonable Capacity</b>	<b>Recommended Acreage</b>
Elementary School	550 students	15.5 acres
Middle School	600 students	26.0 acres
High School	800 students	38.0 acres
<b>Total</b>	1950 students	79.5 acres
<b>Total Acres Per Student</b>		0.04077 acres
<b>Total Square Feet Per Student</b>		1,776 square feet
NOTES:		
1. "Recommended Acreage" for school sites is based on the recommendations contained in the Guide for Planning Educational Facilities, published in 1991 by the Council of Education Facility Planners International.		

- (2) **Students Generated Per Dwelling Unit.** The number of students generated per type of dwelling unit shall be based on the following:

Single Family	0.49
Multi-Family	0.38
Mobile Home	0.71

- (3) **Land Dedication Standard.** Application of the *Formula for Land Dedication Standard* results in the Land Dedication Standards:

Single Family	870 sq. ft. per unit, or .020 acres
Multi-Family	675 sq. ft. per unit, or .015 acres
Mobile Home	1,261 sq. ft. per unit, or .029 acres

Property Mgmt. No.: \_\_\_\_\_  
Project No.: FAP 145D  
Parcel ID: N/A  
Location: 44525 Hwy 6, Glenwood  
Springs | NW 1/4 Sec. 35, T. 5  
S., R. 90 W., 6<sup>th</sup> P.M.

### ENCROACHMENT LICENSE

**THIS AGREEMENT**, made and entered into in triplicate this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, by and between the State of Colorado for the use and benefit of the Colorado Department of Transportation, the Licensor and Roc Anthony Gabossi and Mary Ann Gabossi, the Licensee,

#### WITNESSETH

**WHEREAS**, the Licensor is the owner of certain real property heretofore acquired as right of way for a public highway constructed as Project F 001-1(19), now occupied and used as State Highway No. 6, and

**WHEREAS**, the Licensee is the owner of a fresh water pond now found to encroach upon said right of way, and

**WHEREAS**, it is the desire of the parties hereto to provide for the temporary occupancy by the Licensee of the land in said right of way so encroached upon until the same shall be terminated by the Colorado Department of Transportation; the above stated Licensee no longer owns the encroaching improvements or until an overt act by the Licensee, shall cause the cancellation of this License.

**NOW THEREFORE BE IT KNOWN**, that in consideration of the sum of Two Hundred Fifty Dollars (\$250.00) to the said Licensor paid by the Licensee, receipt whereof is hereby confessed and acknowledged, and in further consideration of the conditions herein written, to be kept by the parties hereto and their respective heirs, and successors, the Licensor does hereby LICENSE AND LET unto the Licensee, the following right of way as shown on the map attached hereto, and made a part hereof and marked "Exhibits A", consisting of three (3) sheets .

This License is made and accepted subject to the following conditions:

1. This License may be terminated by the Licensor upon ninety (90) days notice in writing to the Licensee, whenever, at the sole discretion of the Licensor. This License is also terminated as of the date the Licensee no longer owns the encroaching improvements. The Licensee shall be solely responsible for any costs generated and resulting from termination of this License.
2. The Licensee may occupy the Licensed Premises until at such time it is canceled per paragraph one, unless sooner canceled, but no additions will be permitted to be made to existing structures. In case of partial or total destruction of such existing structures by fire, windstorm, or other disaster or by riot or insurrection, no reconstruction, remodeling or rehabilitation will be permitted without written approval of Licensor; but nothing herein contained shall be construed as denying the Licensee the right to perform normal maintenance.
3. Buildings, structures, improvements located upon the Licensed Premises and owned by the Licensee may be removed by the Licensee during the term of this License, or any extension hereof, or within sixty (60) days after service of notice to vacate as herein provided.
4. The Licensee shall not perform any acts, nor shall the Licensee permit the performance of any acts upon the Licensed Premises which are contrary to the laws of the United States, statutes of

the State of Colorado, ordinances of the Municipality, and breach of this condition shall constitute cause for immediate revocation of this License and all Licensee's rights hereunder shall thereupon cease.

5. The Licensor owes no duty to protect the Licensee from damage resulting from construction, maintenance, or other operations carried on in connection with said highway, and Licensor shall not be held liable for such damage.

6. The Licensee shall save and hold harmless, the Licensor from any liability for damage to persons or property resulting from occupancy of the Licensed Premises evidenced by current P.L. & P.D. policy in the amounts specified under Item 7.

7. Hold Harmless and Insurance. The Licensee shall save, indemnify and hold harmless the Licensor and FHWA for any damage or loss to persons or property resulting from Licensee's occurrence or use of the Licensed Premises and shall purchase general liability and property damage insurance in the amount of not less than \$150,000.00 per person and \$600,000.00 per occurrence. In order for this License to be executed, Licensee must provide a Certificate of Insurance listing the Colorado Department of Transportation as Certificate Holder and additional insured. The Certificate of Insurance must also evidence that the Certificate Holder will be provided a 45 - day written notice by certified mail of cancellation or non-renewal of the policy. The above insurance requirement must be in effect during the entire term of the license. Licensee shall at its sole cost and expense, shall obtain insurance on his inventory, equipment, and all other personal property located on the Licensed Premises against loss resulting from fire or other casualty. An annual Certificate of Insurance must be kept on file for the term of this License, and should be mailed to:

COLORADO DEPARTMENT OF TRANSPORTATION  
Maintenance & Operations Branch  
Property Management Section  
15285 S. Golden Road, Building 47  
Golden, Colorado 80401

8. Licensee shall not assign this License without specific written permission of the Licensor.

9. The Licensee agrees to defend, indemnify and hold harmless the Licensor and any employees, agents, contractors, and officials of the Licensor against any and all damages, claims, liability, loss, fines, or expenses, including attorney's fees and litigation costs, related to the presence, disposal, release or clean-up of any contaminants, hazardous materials or pollutants on, over, under, from or affecting the property subject to this License Agreement, which contaminants or hazardous materials the Licensee or its employees, agents, contractors or officials have caused to be located, disposed, or released on the property.

10. The Licensee shall also be responsible for all damages, claims and liability to the soil, water, vegetation, buildings or personal property located thereon as well as any personal injury or property damage related to such contaminants or hazardous materials.

11. Upon the transfer of title of this property, this License is null and void, and new owner must reapply for said License.

12. This License will be recorded in the Garfield County Colorado real estate records to put future buyers/ users on notice of this license.

WITNESS WHEREOF, the undersigned execute this lease as of the day and year first above written.

LICENSEE:

LICENSEE:

By: Roc Anthony Gobossi  
Title: Owner  
Address: 44523 Highway 6  
Glenwood Springs, CO 81601

By: Mary Ann Gobossi  
Title: Owner  
Address: 44523 Highway 6  
Glenwood Springs,  
CO, 81601

STATE OF COLORADO )  
                                  ) ss  
COUNTY OF GARFIELD )

The foregoing lease was subscribed and sworn to before me this 2 day of, December  
2010, by Roc Anthony Gobossi and Mary Ann Gobossi

Witness my hand and official seal.  
My Commission expires 8/9/2012



Patricia Krueger  
Notary Public  
Address: 860 ASTER CT.  
NEW CASTLE, CO 81647

ATTEST:

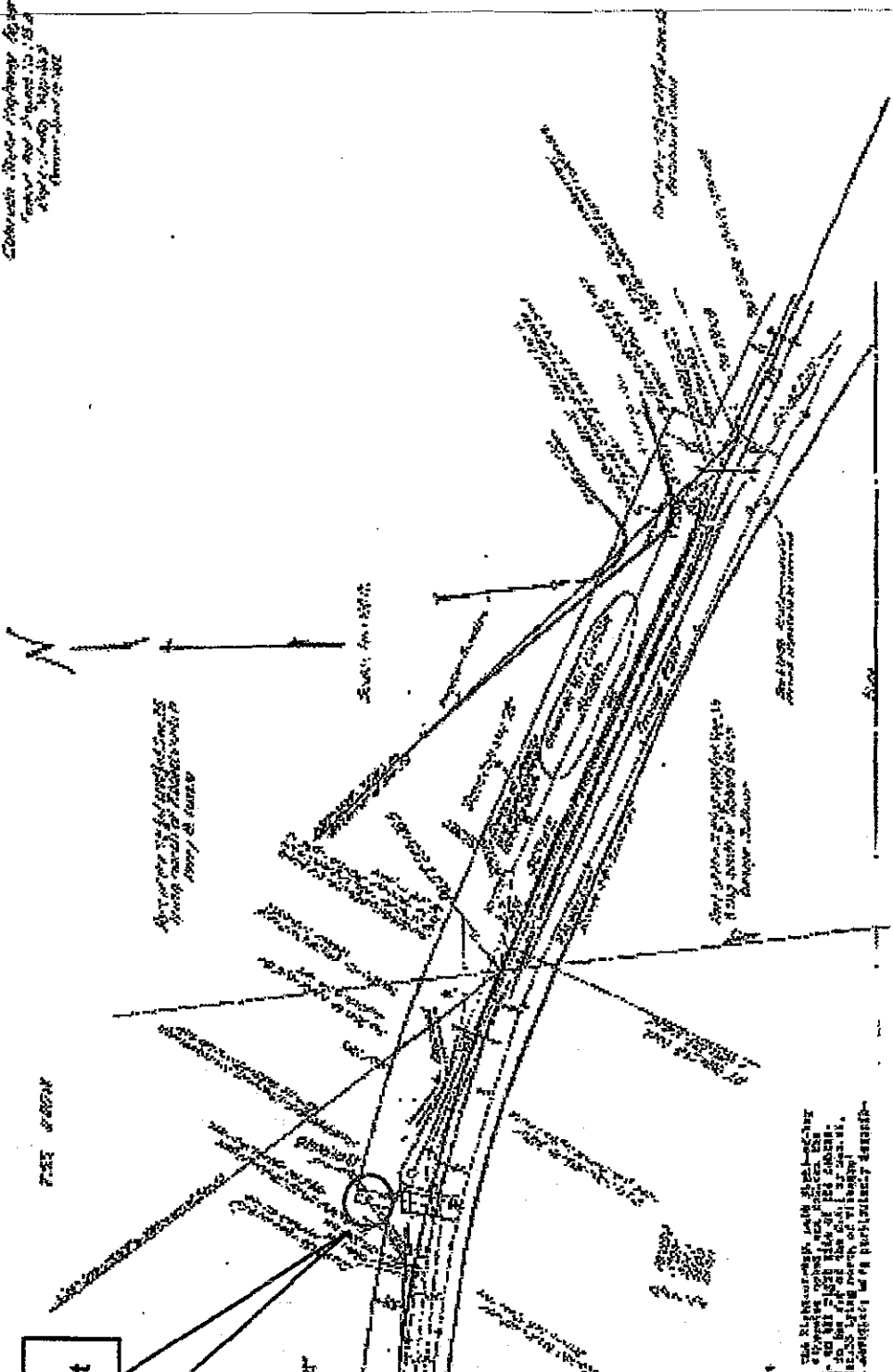
LICENSOR:

STATE OF COLORADO  
DEPARTMENT OF  
TRANSPORTATION

Berthard K. Rasmussen  
Fox Chief Clerk

Pamela Hutton  
Pamela Hutton, P.E.  
Chief Engineer

Construction of the  
 ...  
 ...  
 ...



PASS FRONT

The diagram shows the main line of the railway system, which is a single-track line. The main line is shown as a solid line, and the branch lines are shown as dashed lines. The stations are marked with small rectangles, and the junctions are marked with small circles. The diagram also shows the location of the main line and branch lines relative to the station and junction.

The main line of the railway system is a single-track line, and the branch lines are double-track lines. The main line is shown as a solid line, and the branch lines are shown as dashed lines. The stations are marked with small rectangles, and the junctions are marked with small circles. The diagram also shows the location of the main line and branch lines relative to the station and junction.

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MEMORANDUM

TO: Becky Wheelersburg

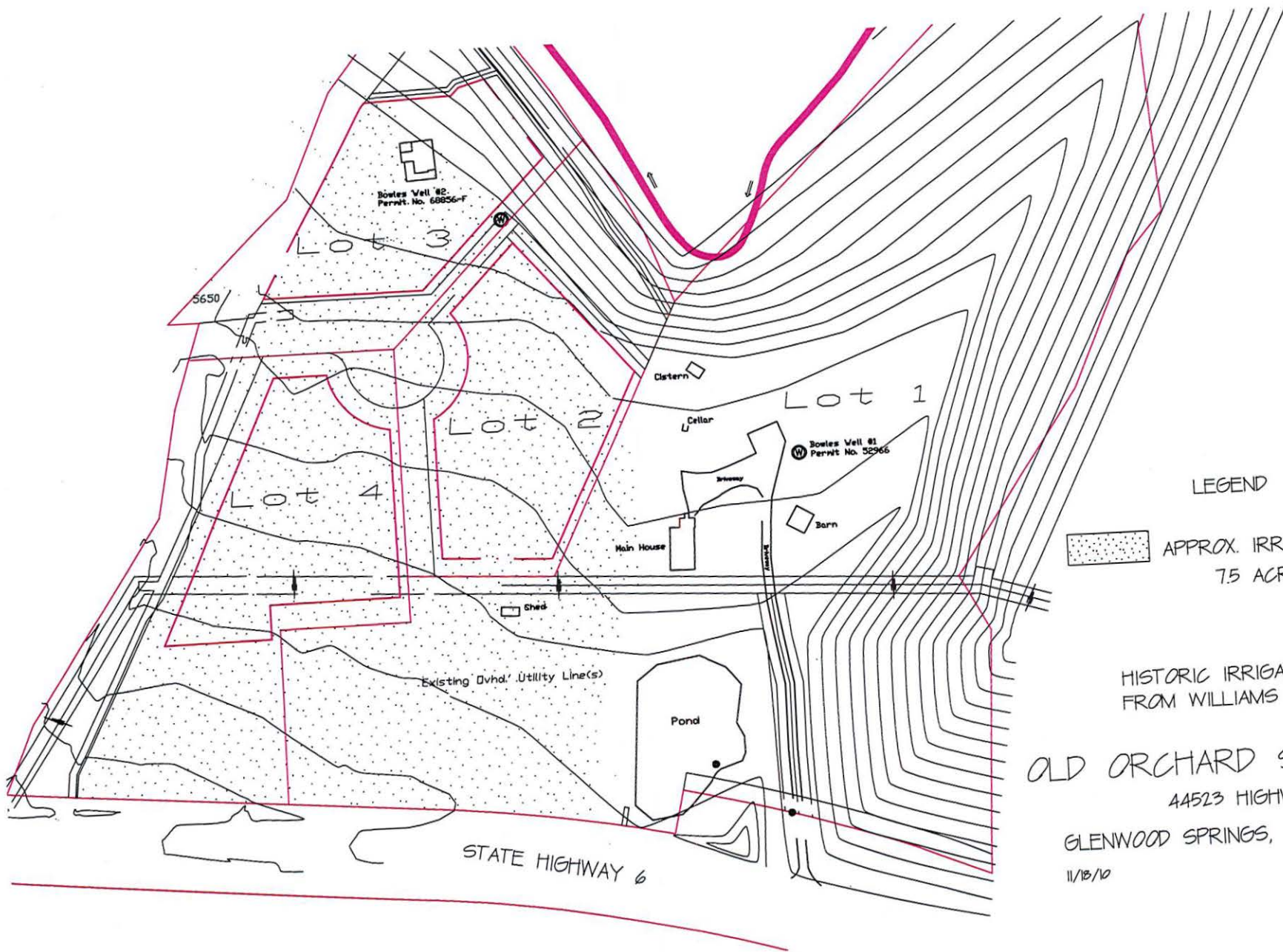
FROM: Molly Orkild-Larson  
Senior Planner

DATE: December 8, 2010

RE: CPFF-3-10-6341 – Roc and Mary Gabossi

Cash-in-lieu Payment for RE-1 School District is \$591.97

MARY GABOSI		232/1020	6318
ROCKY A GABOSI			
44523 HIGHWAY 6		DATE	12-1-10
GLENWOOD SPGS., CO 81601-9784			
PAY TO THE ORDER OF	Garfield County Treasurer \$591.97		
	Five hundred ninety one <u>and ninety seven cents</u> DOLLARS		
<b>usbank.</b> All of us serving you™			
MEMO	RE-1 School Dist. - Input <i>[Signature]</i>		
⑆ 10 20000 2 10 1943 10 15 1270 ⑆ 6318			



1" = 100'

LEGEND



APPROX. IRRIGATED AREA  
75 ACRES

HISTORIC IRRIGATED AREA  
FROM WILLIAMS CANAL

OLD ORCHARD SUBDIVISION

44523 HIGHWAY 6  
GLENWOOD SPRINGS, COLORADO  
11/18/10

**MEMORANDUM**

**TO:** Becky Wheelersburg

**FROM:** Molly Orkild-Larson  
Senior Planner

**DATE:** December 8, 2010

**RE:** CFFF-3-10-6341 – Roc and Mary Gabossi

---

Cash-in-lieu Payment for RE-1 School District is \$591.97

MARY GABOSI		232/1020	6318
ROCKY A GABOSI			
44523 HIGHWAY 6		DATE	12-1-10
GLENWOOD SPGS., CO 81601-9784			
PAY TO THE ORDER OF	Garfield County Treasurer \$591.97		
	Five hundred ninety one — DOLLARS and ninety seven cents		
<b>usbank.</b> All of us serving you™			
MEMO	RE-1 School Dist. - Input Rocky A G		
⑆ 102000021⑆ 194310151270⑆ 6318			

~~X Unimproved~~  
~~per ac value of land~~

X per ac. value  
~~Unimproved/ac market value of land~~ =  $14.19ac$   
\$210,000  
X cost/ac. =

ARTICLE VII  
STANDARDS  
7-405 STANDARDS FOR PUBLIC SITES AND OPEN SPACE

\$14,799.15

100 ac.

a. ~~###~~

**Formula for Cash-In-Lieu Payment.**

Unimproved Per Acre Market Value of Land x  $14,799.15 \times .020 \times 2$   
Land Dedication Standard x  
Number of Units =  $\$887.949 \approx \$888$   
Cash-In-Lieu Payment

revised  
= 591.97

- (1) **Unimproved Market Value of Land.** Unimproved market value of the land shall be determined by an appraisal performed within the last 6 months for the applicant, by an individual qualified in the State of Colorado to establish the unimproved market value of the property just prior to the approval of a Final Plat. Any dispute of the market value would be based upon a separate appraisal by an individual qualified in the State of Colorado to establish the value, paid for by the School District.
- (2) **Land Dedication Standard.** The Land Dedication Standard set forth in Section 7-405(C).
- (3) **Number of Units.** The number of dwelling units proposed.

- 5. **Payments Held in Escrow.** Cash payments received by the Board in lieu of dedicated land shall be held in an escrow account by the County for the purposes allowed by C.R.S. § 30-28-133.
- 6. **Release of Land or Cash.** After final plat approval and receipt of dedications, the Board of County Commissioners shall give written notification to the appropriate receiving body.
  - a. Following notice by the Board, the receiving body may request the dedication, and the Board shall transfer the lands to the appropriate receiving body.
  - b. For a school or park site, if the receiving body determines upon completion of platting that there is no longer a need for the dedicated land, they may request that the land be sold.
  - c. Funds may be released to the appropriate receiving body if the Board finds that the proposed use of funds is compatible with the intent of the cash-in-lieu payment or sale of the land.

Williams Canal Co

1270 RD 240

GS CO 81601

RE: GABOSSİ SHARES,

The Williams Canal Co will transfer the Gabossi shares to Old Orchard Subdivision upon receiving the existing share certificate and assignment from Gabossi to the subdivision, subject to any outstanding balances being paid in full, if any.

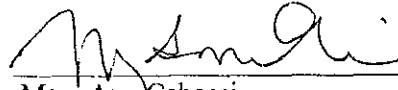
By Merry

Director Williams Canal Co

**TRANSFER OF WILLIAMS CANAL COMPANY  
VOTING MEMBERSHIP SHARES**

We the undersigned, Roc Anthony and Mary Ann Gabossi, authorize the transfer of 5.535 voting membership shares of Williams Canal Company, a Colorado not for profit corporation, to the Old Orchard Subdivision Homeowners Association, Colorado not for profit association and authorize the Williams Canal Company to issue a new membership certificate to the Old Orchard Homeowners Association.

  
Roc Anthony Gabossi

  
Mary Ann Gabossi

12-19-10  
Date

SHARES

5.535

MEMBERSHIP  
CERTIFICATE NUMBER

46

# Williams Canal Company

INCORPORATED UNDER THE COLORADO NON PROFIT CORPORATION ACT

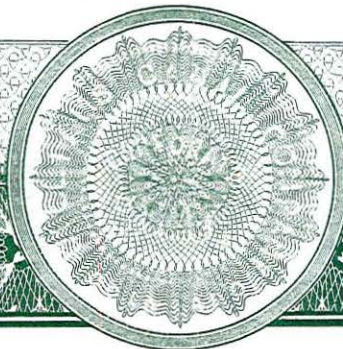
This Certifies that Rae Anthony & Mary Ann Gabossi  
is the owner of five and 535/1000's voting membership shares, as a member of  
**WILLIAMS CANAL COMPANY,**

a corporation not for profit, with all the rights, but subject to all the conditions granted or obligations imposed by the Articles and By-Laws of said corporation now or at any time hereafter in force and effect. Any transfer or assignment of this certificate is subject to the Articles of Incorporation and By-Laws of the corporation which impose limitations upon the alienability of memberships.

IN WITNESS WHEREOF, the said Corporation has caused this Certificate to be signed by its duly authorized officers and to be sealed with the seal of the Corporation, this 7<sup>th</sup> day of July A. D. 19 2007

[Signature]  
Secretary

[Signature]  
President



SHARES

5.535

MEMBERSHIP  
CERTIFICATE NUMBER

46



# Williams Canal Company

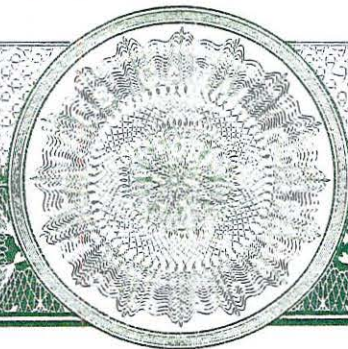
INCORPORATED UNDER THE COLORADO NON PROFIT CORPORATION ACT

This Certifies that Rae Anthony & Mary Ann Galossi  
is the owner of five and 535/1000's voting membership shares, as a member of  
**WILLIAMS CANAL COMPANY,**

a corporation not for profit, with all the rights, but subject to all the conditions granted or obligations imposed by the Articles and By-Laws of said corporation now or at any time hereafter in force and effect. Any transfer or assignment of this certificate is subject to the Articles of Incorporation and By-Laws of the corporation which impose limitations upon the alienability of memberships.

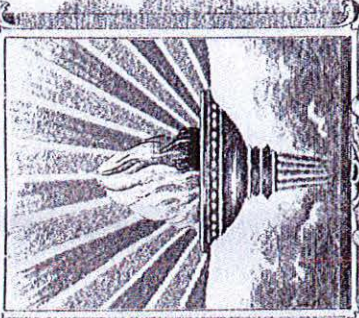
IN WITNESS WHEREOF, the said Corporation has caused this Certificate to be signed by its duly authorized officers and to be sealed with the seal of the Corporation, this 7<sup>th</sup> day of July A. D. 19 2007

[Signature]  
Secretary



[Signature]  
President





**Certificate**

FOR

ISSUED TO

DATED

QUIT CLAIM DEED

THIS DEED, made this 18th day of April, 2001, between  
ESTATE OF DOROTHY L. BOWLES, DECEASED

COPY

grantor, whose street address is:  
P.O. BOX 386, SPIRIT LAKE, ID 83869

County of GARFIELD, State of Colorado, for the consideration  
of Ten Dollars and other good and valuable consideration \*\*\*\*\* Dollars in hand paid,  
hereby sells and quitclaims to:  
MARY ANN GABOSI AND ROC ANTHONY GABOSI

Joint Tenants  Tenants in Common

grantee, whose street address is:  
44523 HWY 6 & 24, GLENWOOD SPRINGS, CO 81601

County of GARFIELD, State of Colorado, the following legally  
described water rights: ANY AND ALL WATER RIGHTS APPURTENANT TO OR USED IN CONNECTION  
WITH THE PROPERTY INCLUDING, WITHOUT LIMITATION, THE EXISTING WELL (TOGETHER  
WITH WELL PERMIT NUMBER 52966), EIGHT AND EIGHT TENTHS SHARES OF THE WILLIAMS  
CANAL COMPANY, ANY AND ALL RIGHTS OF SELLER TITLE AND INTEREST IN AND TO THE  
DISTRICT COURT, WATER DIV. NO. 5, COLORADO, PROCEEDING FILED AS CASE NO. 97CW162.  
Appurtenant to:  
SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART THEREOF.

Signed as of the day and year first above written.

ESTATE OF DOROTHY L. BOWLES, DECEASED  
*Terry Duprey*  
BY: TERRY DUPREY, PERSONAL REPRESENTATIVE

State of Colorado )  
 )ss.  
County of GARFIELD )

The foregoing instrument was acknowledged before me this 18th day of April, 2001 by TERRY DUPREY AS PERSONAL REPRESENTATIVE FOR THE ESTATE OF DOROTHY L. BOWLES, DECEASED

Witness my hand and official seal.

My commission expires: 9-21-2002

*Ellen M. Lipscomb*  
Notary Public  
MARY ANN GABOSI AND ROC ANTHONY GABOSI

ELLEN M. LIPSCOMB  
NOTARY PUBLIC  
STATE OF COLORADO

44523 HWY 6 & 24  
GLENWOOD SPRINGS, CO 81601

GW2334 My Commission Expires 09/21/2002

Form WATER.QCD (6-8-99)



EXHIBIT A

THAT TRACT AS DESCRIBED IN BOOK 208 AT PAGE 170 OF THE RECORDS OF GARFIELD COUNTY, COLORADO AND BEING A TRACT SITUATED IN THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 5 SOUTH, RANGE 90 WEST OF THE SIXTH PRINCIPAL MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH QUARTER CORNER OF SAID SECTION 35, SAID NORTH QUARTER CORNER BEING A 2" IRON PIPE WITH AN ALUMINUM CAP BEARING P.L.S. REGISTRATION #15710; THEN ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION, SOUTH 07 DEGREES 03'10" EAST A DISTANCE OF 1870.02 FEET TO THE NORTHEAST CORNER OF THAT TRACT AS DESCRIBED IN DOCUMENT RECORDED IN BOOK 871 AT PAGE 30 OF THE RECORDS OF SAID COUTNY; THEN ALONG THE NORTH AND WEST BOUNDARY OF SAID TRACT THE FOLLOWING THREE COURSES:

- 1) NORTH 90 DEGREES 00'00" WEST A DISTANCE OF 84.81 FEET;
- 2) SOUTH 00 DEGREES 40'50" WEST A DISTANCE OF 80.42 FEET;
- 3) SOUTH 10 DEGREES 10'24" EAST A DISTANCE OF 237.69 FEET TO INTERSECT THE NORTHERLY RIGHT OF WAY OF A COUNTY ROAD AS IT CROSSES THE SOUTHEAST QUARTER OF SAID NORTHWEST QUARTER, SAID RIGHT OF WAY BEING 30 FEET NORTHERLY OF THE CENTERLINE OF SAID ROAD AS LOCATED BY SURVEY IN JUNE 1993; THEN ALONG SAID NORTHERLY RIGHT OF WAY THE FOLLOWING FOUR COURSES:

- 1) SOUTH 68 DEGREES 56'19" WEST A DISTANCE OF 119.42 FEET;
- 2) SOUTH 75 DEGREES 17'17" WEST A DISTANCE OF 119.64 FEET;
- 3) SOUTH 79 DEGREES 09'05" WEST A DISTANCE OF 64.99 FEET;
- 4) SOUTH 67 DEGREES 03'21" WEST A DISTANCE OF 153.83 FEET TO INTERSECT THE NORTHERLY RIGHT OF WAY OF STATE HIGHWAY NUMBER 6 AND 24; THEN ALONG SAID NORTHERLY RIGHT OF WAY THE FOLLOWING SIX COURSES;

- 1) NORTH 65 DEGREES 14'00" WEST A DISTANCE OF 758.22 FEET;
- 2) 426.40 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 12 DEGREES 09'16" A RADIUS OF 2010.00 FEET AND A LONG CHORD WHICH BEARS NORTH 71 DEGREES 18'38" WEST A DISTANCE OF 425.60 FEET;
- 3) SOUTH 13 DEGREES 12'00" WEST A DISTANCE OF 50.00 FEET;
- 4) 270.72 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 07 DEGREES 54'49" A RADIUS OF 1960.00 FEET AND A LONG CHORD WHICH BEARS NORTH 81 DEGREES 21'35" WEST A DISTANCE OF 270.50 FEET;
- 5) NORTH 85 DEGREES 19'00" WEST A DISTANCE OF 368.00 FEET;
- 6) 109.74 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 01 DEGREES 06'25", A RADIUS OF 5680.00 FEET AND A LONG CHORD WHICH BEARS NORTH 84 DEGREES 45'48" WEST A DISTANCE OF 109.74 FEET TO A COLORADO DEPARTMENT OF HIGHWAYS RIGHT OF WAY MARKER; THEN DEPARTING SAID NORTHERLY RIGHT OF WAY AND ALONG THE EASTERLY LINE OF A PARCEL REFERRED TO AS THE "TIBBITS PLACE" AS DESCRIBED IN DOCUMENT RECORDED IN BOOK 491 AT PAGES 790 AND 791 OF THE RECORDS OF SAID COUNTY THE FOLLOWING 15 COURSES;

- 1) NORTH 23 DEGREES 00'10" EAST A DISTANCE OF 85.51 FEET;
- 2) NORTH 33 DEGREES 41'22" EAST A DISTANCE OF 273.31 FEET;
- 3) NORTH 10 DEGREES 41'01" EAST A DISTANCE OF 126.20 FEET;
- 4) NORTH 18 DEGREES 00'46" EAST A DISTANCE OF 102.71 FEET;
- 5) NORTH 89 DEGREES 42'59" WEST A DISTANCE OF 34.78 FEET;
- 6) NORTH 45 DEGREES 44'37" EAST A DISTANCE OF 194.88 FEET;
- 7) NORTH 23 DEGREES 33'14" EAST A DISTANCE OF 128.60 FEET;
- 8) NORTH 37 DEGREES 48'14" EAST A DISTANCE OF 135.68 FEET;
- 9) NORTH 04 DEGREES 22'29" EAST A DISTANCE OF 85.53 FEET;
- 10) SOUTH 50 DEGREES 44'37" EAST A DISTANCE OF 38.18 FEET;
- 11) SOUTH 37 DEGREES 33'49" EAST A DISTANCE OF 59.61 FEET;
- 12) SOUTH 35 DEGREES 15'19" EAST A DISTANCE 161.50 FEET;
- 13) SOUTH 31 DEGREES 52'13" EAST A DISTANCE OF 130.89 FEET;
- 14) SOUTH 26 DEGREES 55'22" EAST A DISTANCE 62.07 FEET;
- 15) SOUTH 20 DEGREES 42'31" EAST A DISTANCE OF 84.87 FEET; THEN NORTH 45 DEGREES 21'31" EAST A DISTANCE OF 1856.54 FEET TO THE POINT OF BEGINNING.

COUNTY OF GARFIELD  
STATE OF COLORADO

GW235453

T.A.D.

Reception#: 791618  
09/17/2010 04:23:19 PM Jean Alberico  
1 of 6 Rec Fee:\$36.00 Doc Fee:0.00 GARFIELD COUNTY CO

## WATER AGREEMENT

THIS AGREEMENT is made and entered into the \_\_\_\_\_ day of \_\_\_\_\_, 2004, by and between Roc Anthony Gabossi, also known as Mary Anni Gabossi, whose address is 44523 Highway 6, Glenwood Springs, Colorado 81601, hereinafter referred to as "Gabossis", and Conrad L. Wagner and Marsha L. Wagner, whose address is 5403 County Road 154, Suite 1, Glenwood Springs, Colorado 81601, hereinafter "Wagners".

WHEREAS, the parties hereto entered into a certain Agreement dated April 16, 2001 providing for the purchase of certain property commonly known as 4453 Hwy 6, Glenwood Springs, Colorado; and

WHEREAS, the parties hereto have completed the purchase of said property and have completed the subdivision exemption of the property as contemplated by said Agreement between the parties dated April 16, 2001, recorded as the Gabossi Exemption Plat; and

WHEREAS, the parties have obtained commercial zoning for Lots 3 and 4 of the Gabossi Subdivision Exemption as contemplated by said Agreement between the parties dated April 16, 2001; and

WHEREAS, the parties have paid off the loan from Wells Fargo Bank for the purchase of the property as contemplated by said Agreement between the parties dated April 16, 2001; and

WHEREAS, the Gabossis have the right, use and title to Lots 1 and 3, and all the improvements and structures thereon, together with one half of the water rights awarded in Case No. 97CW162, Water Div. 5, Colorado; and

WHEREAS, the Wagners have the right, use and title of Lots 2 and 4, and all the improvements and structures thereon, together with one half of the water rights awarded in Case No. 97CW162, Water Div. 5, Colorado; and

WHEREAS, the provisions of said Agreement have been fully performed and completed by the parties, and the parties desire to address issues of use and distribution of water rights associated with the Gabossi Subdivision Exemption.

NOW THEREFORE, for and in consideration of the premises and the mutual covenants and agreements herein contained, to be kept and performed by the parties hereto, the parties agree as follows:

1. The above recitals are true and correct.
2. The term of this agreement shall be perpetual unless and until amended as provided herein.

— not dated on front page  
— no Exhibit A



Reception#: 791618  
09/17/2010 04:23:19 PM Jean Alberico  
2 of 6 Rec Fee:\$36.00 Doc Fee:0.00 GARFIELD COUNTY CO

- 3. The Agreement between the parties dated April 16, 2001, has been fully performed and is hereby terminated in all respects.
- 4. Gabossi owns lots 1 and 3 of the Gabossi Subdivision Exemption as shown on the Gabossi Exemption Plat recorded in the office of the Garfield County Clerk and Recorder, together with one-half of the water rights awarded in the aforesaid Case No. 97CW 162. Wagner owns Lots 2 and 4 of the Gabossi Subdivision Exemption as shown on the Gabossi Exemption Plat recorded in the office of the Garfield County Clerk and Recorder, together with one-half of the water rights awarded in the aforesaid Case No. 97CW 162.
- 5. PROVISIONS CONCERNING CASE NO. 97CW162:
  - a) In Case No. 97CW162, Water Div. 5, Colorado, the court awarded 0.50 c.f.s. conditional to the Bowles Diversion legally described as being at the point of diversion from a natural gulch known as Bowles Gulch and located at a point in said natural gulch from whence the West Quarter Corner of Section 35, Township 5 South, Range 90 West of the 6<sup>th</sup> P.M. bears South 48°29' West 1358.28 feet. The Court also awarded 2.50 AF conditional to the Bowles Pond First Enlargement legally described as having a center point in Section 35, Township 5 South, Range 90 West of the 6<sup>th</sup> P.M., at a point 1000 feet from the West section line and 1750 feet from the North section line of said Section 35. The source of the water for Bowles Pond First Enlargement is the Bowles Diversion.
  - b) In Case No. 97CW162 the Court approved a plan for augmentation utilizing all of the water rights identified in Paragraph 3 herein above. The entire water rights awarded to the Bowles Diversion and the Bowles Pond First Enlargement are reserved and dedicated to said Plan for Augmentation. Uses augmented are the diversions from Bowles Well Nos. 1 through 6 for up to 30 single family dwellings and evaporative losses from the Bowles Pond. The water rights identified in the foregoing Paragraph 3 for the Bowles Diversion shall be stored in the Bowles Pond First Enlargement for the purpose of augmentation of diversions of water from Bowles Well Nos. 1 through 6 and evaporative losses from the Bowles Pond. Total augmentation water required by said plan for augmentation is 2.448 acre feet. Releases will be made from the Bowles Pond First Enlargement described in the preceding paragraph at such times as there is a valid call on Canyon Creek or the Colorado River by holders of senior vested water rights as provided for in the Ruling of Referee entered in Case No. 97CW 162
  - c) Bowles Well Nos. 1 through 6 are to be located on the property now described as Gabossi Exemption Lots 1 through 4.

Reception #: 791818  
09/17/2010 04:23:19 PM Jean Alberico  
3 of 5 Rec Fee: \$36.00 Doc Fee: 0.00 GARFIELD COUNTY CO

d) Gabossi will be entitled to utilize Bowles Well Nos. 1 through 3 as decreed, which shall be drilled or constructed wholly upon Lots 1 and 3 of the Gabossi Subdivision Exemption. Gabossi shall have no right to drill or construct any of the Bowles Well Nos. 1 through 3 or connected facilities on the lands owned by Wagner. Gabossi will be entitled to releases of water from the Bowles Pond First Enlargement in the amounts as provided for in the Ruling of Referee in Case No. 97CW162 for one-half of the evaporative losses for the Bowles Pond First Enlargement and the consumptive use associated with 15 of the 30 single family dwellings augmented.

e) Wagner will be entitled to utilize Bowles Well Nos. 4 through 6 as decreed, which shall be drilled or constructed wholly upon Lots 2 and 4 of the Gabossi Subdivision Exemption. Wagner shall have no right to drill or construct any of the Bowles Well Nos. 4 through 6 or connected facilities on the lands owned by Gabossi. Wagner will be entitled to releases of water from the Bowles Pond First Enlargement in the amounts as provided for in the Ruling of Referee in Case No. 97CW162 for one-half of the evaporative losses for the Bowles Pond First Enlargement and the consumptive use associated with 15 of the 30 single family dwellings augmented.

f) The Bowles Diversion and Bowles Pond First Enlargement are located on the lands owned solely by Gabossi. The water commissioner for the Bowles Pond or Gabossi may cause such releases of water from the Bowles Pond First Enlargement as directed by the Ruling of Referee in Case No. 97CW162.

g) The parties will be responsible for 50% of the costs and expenses associated with reconstructing, cleaning, maintaining, repairing and operating the Bowles Diversion and Bowles Pond and their appurtenances. The 50/50 split of costs and expenses is reasonably believed by the parties to reflect the benefits each will receive from using the structures. Gabossi shall be responsible for determining the timing and extent of constructing, cleaning, maintaining, repairing and operating the Bowles Diversion and Bowles Pond and their appurtenances. Said structures shall be maintained so the augmentation plan in Case No. 97CW162 will remain operational. The Water Commissioner for the Colorado Division of Water Resources will lawfully administer, inspect and determine if repairs, changes or other maintenance is necessary to keep the structures and augmentation plan operational. Gabossi shall not be responsible for any periods of time when the augmentation plan is not operational as the result of an act of God or as a result of matters beyond the direct control of Gabossi.

HOA  
50%



Reception#: 791818  
09/17/2010 04:23:19 PM Jean Alberico  
4 of 6 Rec Fee: \$36.00 Doc Fee: 0.00 GARFIELD COUNTY CO

- h) In the event that the Water Commissioner determines that the structures and/or augmentation plan are not operational, then the parties hereto shall submit to mediation for the purpose of determining a course of action designed to correct any defective conditions. Either party may request mediation by written notice to the other party. Upon receipt of request for mediation by either party, the parties shall promptly schedule mediation with an established and qualified mediator at the earliest available time. Through mediation the parties shall develop what actions or repairs are necessary to prevent the loss of the augmentation plan and a schedule for completion of such repairs. The repairs will be contracted for by Gabossi within ten days of the conclusion of mediation. The repairs will be completed within a reasonable time considering applicable weather conditions and availability of contractors. The parties will share the costs and expense of mediation and repairs as provided in subparagraph(g) hereinabove.
- i) Each party shall be solely responsible, at their sole cost and expense, for any reporting and accounting required by the State Division of Water Resources in connection with the Decree and administration of the augmentation plan in Case No. 97 CW 162.
- j) Neither party will transfer or utilize the Bowles Diversion or Bowles Pond First Enlargement except as provided for in the plan for augmentation in Case No. 97CW162 unless said party properly files for a change of water right with the Water Court for Division 5, State of Colorado. Each party shall be solely responsible, at their sole costs and expense for filings with the court for the transfer of conditional water rights, for maintaining diligence and prosecuting applications for findings of reasonable diligence or to make said water rights absolute for their respective interest in the water rights and augmentation plan in Case No. 97 CW 162.

6. **PROVISIONS CONCERNING CASE NO. 02CW058:**

- a) The parties acknowledge that there is pending Case No. 02CW058 in Water Div. No. 5, State of Colorado, for the Gabossi Well and Wagner Well, and for approval of plan for augmentation. The Gabossi Well is located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 35, Township 5 South, Range 90 West of the 6<sup>th</sup> p.m., at a point 2,000 feet from the North section line and 1,770 feet from the West section line of said Section 35. The Wagner Well is located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 35, Township 5 South, Range 90 West of the 6<sup>th</sup> p.m., at a point 2,200 feet from the North section line and 2,380 feet from the West section line of said Section 35. Each well has applied for 0.056 c.f.s. (25 g.p.m.) with annual diversion for each well of 1.4 AF, all conditional for commercial and irrigation uses.



Reception#: 791618  
09/17/2018 04:23:19 PM Jean Alberico  
5 of 8 Rec Fee: \$36.00 Doc Fee: 0.00 GARFIELD COUNTY CO

- b) The Gabossi Well is owned by Gabossi and located on lands owned by Gabossi. The Wagner Well is owned by Wagner and located on lands owned by Wagner. Each party shall be entitled to the water right associated with the well owned by them. Neither party shall enter upon the lands of the other to construct, repair or other wise utilize the water rights associated with said wells.
- c) Each of the parties has contracted with the West Divide Water Conservancy District for 1.0 AF of water to augment the uses. Each party shall be responsible for all payments and requirements for their respective contracts with West Divide Water Conservancy.
- d) Such wells are augmented for irrigation of a maximum area of 10,000 square feet of lawn, 10 offices, and washing of 20 vehicles per day, as shown in the table attached hereto as Exhibit "A". Each party shall be entitled to one-half of the uses and consumptive use associated therewith.
- e) The parties agree to cooperate in good faith to complete Case No. 02CW058 and to provide documentation as may be necessary. Upon final Decree in Case No. 02CW058, each party shall be solely responsible, at their sole costs and expense for filings with the court for the transfer of conditional water rights, for maintaining diligence and prosecuting applications for findings of reasonable diligence or to make said water rights absolute for their respective interest in the water rights and augmentation plan in Case No. 02 CW 058.

## 7. GENERAL PROVISIONS

- a) In addition the parties have equally divided 8.8 shares of water under stock certificate from the Williams Ditch and Canal Company. With this addition there are no other water rights appurtenant to the Gabossi Subdivision Exemption Lots 2 and 4, except for water rights that have been or maybe in the future developed by Wagner.
- b) All of the provisions hereof shall be and remain covenants running with title to the above described water rights and the real properties within the Gabossi Subdivision Exemption upon which the subject water rights and related structures are located or used.
- c) This agreement and all provisions hereof shall apply to and bind the parties hereto, their agents, heirs, successors, partners and assigns of all kinds.
- d) This agreement shall be recorded in the records of the Garfield County Clerk and Recorder.




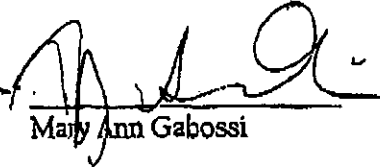


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09/17/2010 04:23:19 PM Jean Albericq  
8 of 8 Rec fee: \$30.00 Doc Fee: 0.00 GARFIELD COUNTY CO

- e) Any amendment of this agreement must be in writing, and must be executed by the parties hereto in order to be effective.
- f) Any dispute concerning the provisions of this agreement shall be determined pursuant to the law of the State of Colorado. The prevailing party shall be entitled to recover their cost and expenses of enforcing the terms of this agreement, including reasonable attorney fees.

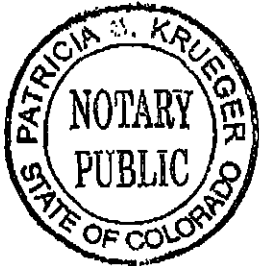
In witness whereof the parties have executed this Agreement the day and year first written above.

  
Roc Anthony Gabossi

  
Mary Ann Gabossi

  
Conrad L. Wagner

  
Marsha L. Wagner



*Patricia S. Krueger*  
State of Colorado  
Marfield County

9/17/10



Reception#: 791617  
09/17/2010 04:23:19 PM Jean Alberico  
1 of 6 Rec Fee:\$35.00 Doc Fee:0.00 GARFIELD COUNTY CO

## AGREEMENT

THIS AGREEMENT is made and entered into April 16, 2001 by and between Roc Anthony Gabossi, also known as Rocky Gabossi and Mary Ann Gabossi, whose address is 1125 Palmer Avenue, Glenwood Springs, Colorado 81601, hereinafter "Gabossis", and Conrad L. Wagner and Marsha L. Wagner, whose address is 111 Park Drive, Glenwood Springs, Colorado 81601, hereinafter "Wagners".

WHEREAS, Gabossis have entered into that certain real estate contract dated February 9, 2001 providing for their purchase of certain real property commonly know as 4453 Hwy. 6, Glenwood Springs, Colorado 81601. A copy of said contract has previously been received by Wagners.

AND WHEREAS, the parties hereto have agreed to jointly purchase, occupy, use, develop and transfer said property in accordance with the terms and conditions hereinafter contained.

NOW THEREFORE, for and in consideration of the premises and the mutual covenants and agreements hereinafter contained, to be kept and performed by the parties hereto, the parties hereby agree as follows:

1. **Purchase of Property.** Gabossis shall proceed with the closing of their purchase of the property in accordance with said contract, said closing being presently scheduled to take place April 18, 2001. The purchase price for the property is the sum of \$700,000.00 which shall be paid as follows:

a. The sum of the \$560,000.00 from the proceeds of the loan to be obtained by Gabossis from Wells Fargo Bank West, N.A., said loan to be executed by Gabossis only and secured by a first deed of trust on the property.

b. The further sum of \$70,000.00 in cash or certified funds from Gabossis.

c. The further sum of \$70,000.00 in cash or certified funds from Wagners.

All loan fees, costs, expenses and closing fees incurred at the time of the purchase of the property shall be paid four-sevenths by Gabossis and three-sevenths by Wagners, except for legal and appraisal fees which shall be paid equally by both parties. Such costs shall include legal, appraisal and planning fees incurred and previously paid by either party in connection with the purchase, financing and development of the property.

In order to obtain favorable financing, title to the property shall be held in the names of Roc Anthony Gabossi and Mary Ann Gabossi as joint tenants.

Reception#: 791617  
09/17/2010 04:23:19 PM Jean Alberico  
2 of 6 Rec Fee: \$26.00 Doc Fee: 0.00 GARFIELD COUNTY CO

2. **Subdivision Exemption.** As soon as practical after the completion of the purchase of the property, the parties shall submit an application to Garfield County for an exemption to divide the property into four separate lots. The lots to be created shall be as shown and described on Exhibit A attached hereto and made a part hereof by this reference. Simultaneously with this application, the parties shall also apply for commercial zoning for Lots 2 and 4 as shown on said Exhibit A.

3. **Property Costs and Expenses.** Except as otherwise provided in paragraphs 4, 5 and 6 below, all expenses incurred prior to the division of the property as hereinafter provided and in connection with the joint development and use of the property, including property taxes, insurance, subdivision exemption expenses and any other expenses benefiting the property as a whole shall be paid four-sevenths by Gabossis and three-sevenths by Wagners.

4. **Loan Payments.** Gabossis shall be jointly and severally responsible for the payment of 58.9 percent of the principal and interest due on the loan from Wells Fargo Bank West, N.A., and Wagners shall be jointly and severally responsible for payment of 41.1 percent of the principal and interest due on said loan. In order to insure timely payment of the monthly installments, each party shall deposit their share of the total monthly payment, including amounts paid to any tax and insurance escrow, into a separate account at least seven days before the due date of the installment. Gabossis shall be responsible for timely payment of each note installment from such accounts. The parties shall annually adjust between themselves the payments made for taxes and insurance on the property to reflect the obligations of each party therefore as set forth in paragraphs 3, 5 and 6 hereof. Each party is separately responsible for their share the interest paid on the loan and Gabossis agree not to claim more than their share, adjusted if necessary if the provisions of paragraph 10 apply, as a deduction on their income tax returns.

5. **Possession and Use of Lots 1 and 2.** At all times during the term hereof, Gabossis shall have the right to possession of the area described as Lots 1 and 2 on the attached Exhibit A, together with one-half the water rights awarded in the aforesaid Case No. 97CW162, and the irrigation water and wells appurtenant to said property. Gabossis shall be entitled to occupy the residence and all other buildings located thereon without any further compensation due Wagners. Gabossis may make such repairs and improvements, including repairs and improvements to wells, ditches and other water facilities, as they desire on said Lots, all at their sole cost and expense. Gabossis shall pay the cost of all utilities serving that portion of the property, all property taxes levied on the improvements located on that portion of the property and casualty insurance premiums on the improvements.

6. **Use and Possession of Lots 3 and 4.** At all times during the term of this agreement, Wagners shall be entitled to the use and possession of the property described as Lots 3 and 4 on Exhibit A, together with one-half the water rights

Reception#: 791617  
09/17/2010 04:23:19 PM Jean Alberico  
3 of 5 Rec Fee:\$26.00 Doc Fee:0.00 GARFIELD COUNTY CO

awarded in the aforesaid Case No. 97CW162, and the irrigation water and any wells appurtenant to said property. Wagners may make repairs and improvements to the property, including repairs and improvements to wells, ditches and other water facilities, at their sole cost and expense and occupy and use any such improvements. Wagners shall be responsible for the payment for any utilities serving this portion of the property, all property taxes levied on the improvements located on this portion of the property and casualty insurance premiums on the improvements.

7. **Division of Property.** It is agreed between the parties that, except as may be otherwise agreed regarding the joint development, use and sale of any portions of the property zoned commercial, the property is to be divided between the parties as set forth in paragraphs 5 and 6 above. Within one year from the date of purchase of the property pursuant to paragraph 1 above, Wagners shall pay Gabossis all that part of the remaining balance due on the loan from Wells Fargo Bank West, N.A. which is their responsibility as provided above. Gabossis shall convey Lots 3 and 4 (as finally created in the subdivision exemption process) to Wagners free and clear of all liens and encumbrances except for any liens or encumbrances created by or against Wagners. Any other sums due either party at the time of conveyance shall be paid at the time of division.

8. **Subdivision Adjustments.** In the event the parties are unable to obtain commercial zoning for Lots 2 and 4 on Exhibit A, there shall be no change in the provisions herein regarding the use and development of the properties except that Gabossis may adjust the dividing line between Lots 1 and 2 and Wagners may adjust the boundary line between Lots 3 and 4 to create lots more suitable for residential development.

9. **Right of First Refusal.** It is hereby understood and agreed that after subdivision exemption approval, either party may sell one or more of the lots owned or to be owned by them but only after full compliance with all terms and conditions of this paragraph 9. Both parties hereby agree not to sell or transfer, or make any contract for the sale or transfer of all or any part of the property unless it is based on a bona fide offer of a third party; and each of the following conditions is met.

a. The contract for sale must be a formal, written contract setting forth all the terms and conditions of the proposed sale. (This contract for sale shall be referred to in this paragraph only as the "Formal Contract".)

b. The selling party must deliver a copy of the Formal Contract to other party by the end of the second business day following the day on which the Formal Contract is signed. Such service shall be an offer to sell to the other party upon the same terms and conditions as set forth in the Formal Contract.

c. The other party may accept such offer in writing, any time before the 5:00 P.M. on the twentieth calendar day following receipt of the offer. Acceptance



Reception#: 791617  
09/17/2010 04:23:19 PM Jean Alberico  
4 of 6 Rec Fee:\$35.00 Doc Fee:0.00 GARFIELD COUNTY CO

must be accompanied by the down payment called for in the Formal Contract in cash or by certified check. Upon acceptance of the offer, both parties shall be bound by all provisions of the Formal Contract and shall close or terminate the transaction as provided therein.

d. If the other party shall not give notice of acceptance or exercise the option, the selling party shall be free to execute the sale to the third party pursuant to the Formal Contract free and clear of this right of first refusal. If the sale to the third party shall not close, for whatever reason, the foregoing provisions for the option to purchase shall apply to any new contract for sale.

e. Prior to the closing of any sale pursuant to this paragraph 9, and as a condition precedent there to, the parties shall complete the division of the property pursuant to paragraph 7 above.

The terms and conditions of this paragraph 9 shall survive the division of the property pursuant to paragraph 7 above and remain in full force and effect for a period of one year from the date of the purchase of the property pursuant to paragraph 1 above. Upon division of the properties, the parties shall execute a recordable right of first refusal to the others sufficient to evidence the rights granted herein and containing the exact date of expiration of this right.

10. **Default and Remedies.** Except for the payment due Gabossis, pursuant to paragraph 7 above, in the event either party fails to make any payments required of them under the terms of this Agreement, the other party may advance sufficient funds to cover the amounts due from such party. Such advance shall be deemed a loan to the other party and bear interest at the rate of fifteen (15) percent per year until paid.

In the event Wagners fail to make the payment required pursuant to paragraph 7 above, or one party becomes indebted to the other party in an amount of \$5,000.00 or more, and after written notice to the defaulting party, all right, title and interest in and to all the property shall be conveyed by the defaulting party to the other party and this Agreement, including the provisions of paragraph 9, shall no longer be of any further force and effect. In any event, the defaulting party shall have the right to cure the default by full payment of all amounts due the other party within thirty days from receipt of the above written notice.

11. **Term of Agreement.** Except as otherwise provided in paragraph 9 above, this Agreement shall remain in effect upon the parties until such time as Lots 3 and 4 are conveyed by Gabossis to Wagners pursuant to paragraph 7 above, or to one or more third parties pursuant to the provisions of paragraph 9 above.



Reception#: 781617  
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5 of 6 Rec Fee:\$36.00 Doc Fee:0.00 GARFIELD COUNTY CO

12. Miscellaneous Provisions.

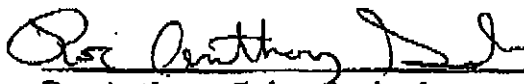
a. Successors and Assigns. This interests of Gabossis and Wagners are held by both as husband and wife, in joint tenancy with right of survivorship. This Agreement is binding upon the parties hereto and their respective successors, personal representatives, heirs and assigns; however, except as between each husband and wife, no party will have any right to assign any of its rights or obligations under this Agreement without the prior written consent of all other parties, which consent may be withheld for any reason or for no reason at all.

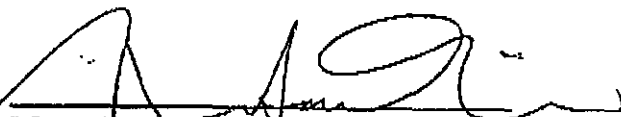
b. Amendments. This Agreement and the Exhibits and other documents related hereto set forth the entire agreement of the parties with respect of the subject matter hereof and may not be amended or modified except in writing subscribed to by all of the parties.

c. Governing Law. This Agreement is entered into in the County of Garfield, State of Colorado, and governed in all respects by the laws of Colorado. Venue for any action involving this Agreement is expressly agreed to be in Garfield County, Colorado.


d. Modifications or Severance. In the event that any provision of this Agreement is found by any court or other authority of competent jurisdiction to be illegal or unenforceable, such provision will be severed or modified to the extent necessary to render it enforceable and as so severed or modified this Agreement will continue full force and effect.

In witness whereof the parties have executed this Agreement the day and year first written above.

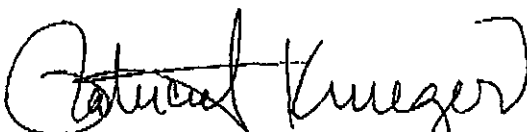
  
Roc Anthony Gabossi, also known  
as Rocky Gabossi

  
Mary Ann Gabossi

  
Conrad L. Wagner

  
Marsha L. Wagner



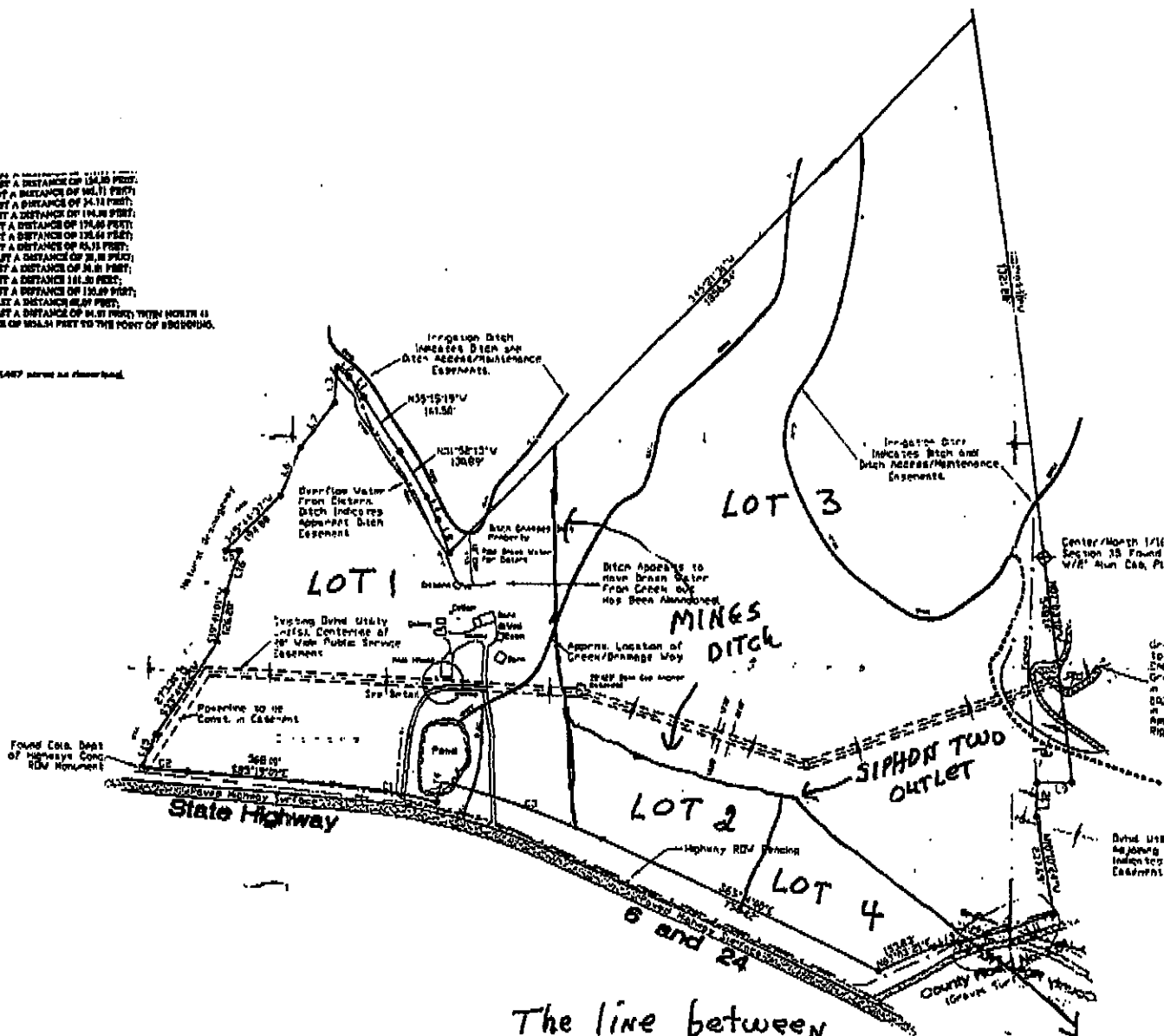
  
State of Colorado  
Garfield County

9/17/10

Reception#: 791617  
09/17/2010 04:23:19 PM Jean Alberico  
6 of 6 Rec Fee:\$36.00 Doc Fee:0.00 GARFIELD COUNTY CO

NORTH 30 DEGREES 41' 00" EAST A DISTANCE OF 134.30 FEET;  
NORTH 88 DEGREES 09' 40" EAST A DISTANCE OF 161.11 FEET;  
NORTH 88 DEGREES 47' 00" WEST A DISTANCE OF 24.13 FEET;  
NORTH 45 DEGREES 44' 00" EAST A DISTANCE OF 114.30 FEET;  
NORTH 33 DEGREES 51' 00" EAST A DISTANCE OF 114.30 FEET;  
NORTH 37 DEGREES 48' 14" EAST A DISTANCE OF 124.64 FEET;  
NORTH 84 DEGREES 22' 20" EAST A DISTANCE OF 20.11 FEET;  
SOUTH 50 DEGREES 44' 00" EAST A DISTANCE OF 38.10 FEET;  
SOUTH 27 DEGREES 22' 40" EAST A DISTANCE OF 34.30 FEET;  
SOUTH 37 DEGREES 12' 00" EAST A DISTANCE OF 111.30 FEET;  
SOUTH 31 DEGREES 32' 11" EAST A DISTANCE OF 114.30 FEET;  
SOUTH 34 DEGREES 58' 20" EAST A DISTANCE OF 44.30 FEET;  
SOUTH 55 DEGREES 42' 31" EAST A DISTANCE OF 34.30 FEET; WITH NORTH 41  
EAST 21' 21" EAST A DISTANCE OF 104.30 FEET TO THE POINT OF BEGINNING.

CITY OF GLENDALE  
IN COLORADO  
1 PART OF TRACT CONTAINING 66.667 ACRES AS DESCRIBED.



The line between  
lots 2 AND 4 to  
be adjusted so  
both lots are  
equal size.

To Church  
Roof Pitch

Exhibit A

Form No. GWS-11 1/2009	<b>STATE OF COLORADO</b> <b>OFFICE OF THE STATE ENGINEER</b> 818 Centennial Bldg., 1313 Sherman St., Denver, CO 80203 Phone – Info: (303) 866-3587 Main: (303) 866-3581 Fax: (303) 866-3589 http://www.water.state.co.us	For Office Use Only
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**CHANGE IN OWNER NAME/ADDRESS  
CORRECTION OF THE WELL LOCATION**

**Review instructions on the reverse side prior to completing the form.**

Name, address and phone of person claiming ownership of the well permit:  
 NAME(S): Old Orchard Subdivision Homeowners Association  
 Mailing Address: 44523 Highway 6  
 City, St. Zip: Glenwood Springs, CO 81601  
 Phone: (970) 384 - 2630  
 E-mail (optional): \_\_\_\_\_

This form is filed by the named individual/entity claiming that they are the owner of the well permit as referenced below. This filing is made pursuant to C.R.S. 37-90-143.

WELL LOCATION: Well Permit Number: 68856-F Receipt Number: \_\_\_\_\_ Case Number: \_\_\_\_\_  
 County Garfield Well Name or # (optional) Bowles Well No. 2

(Address) (City) (State) (Zip)  
NW 1/4 of the NW 1/4, Sec. 35, Twp. 5  N. or  S., Range 90  E. or  W., 6th P.M.  
 Distance from Section Lines: 1250 Ft. From  N. or  S., 960 Ft. From  E. or  W. Line.  
 Subdivision Name \_\_\_\_\_ Lot \_\_\_\_\_, Block \_\_\_\_\_, Filing/Unit \_\_\_\_\_

The above listed owner(s) say(s) that he, she (they) own the well permit described herein. The existing record is being amended for the following reasons:  
 Change in name of owner  Change in mailing address  Correction of location for exempt wells permitted prior to May 8, 1972 and non-exempt wells permitted before May 17, 1965.  
 Please see the reverse side for further information regarding correction of the well location.

I (we) claim and say that I (we) (are) the owner(s) of the well permit described above, know the contents of the statements made herein, and state that they are true to my (our) knowledge.

Signature(s) of the new owner	Please print the Signer's Name & Title <u>Rocky Gabossi, Pres.</u> <u>Old Orchard Subdivision HOA</u>	Date
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It is the responsibility of the new owner of this well permit to complete and sign this form. Signatures of agents are acceptable if an original letter of agency signed by the owner is attached to the form upon its receipt.

For Office Use Only

\_\_\_\_\_  
 State Engineer By \_\_\_\_\_ Date \_\_\_\_\_



DISTRICT COURT, WATER DIVISION 5, GARFIELD COUNTY, COLORADO	
Court Address: 109 8 <sup>TH</sup> Street, Suite 104 Glenwood Springs, Colorado 81601	
<b>CONCERNING THE APPLICATION FOR WATER RIGHTS OF:</b>  <b>Estate of Dorothy L. Bowes</b>  IN GARFIELD COUNTY	▲ COURT USE ONLY ▲
Old Orchard Subdivision Homeowners Association 44523 Highway 6 Glenwood Springs, CO 80601 970-384-2630	Case No. 97 CW162
<b>NOTICE OF TRANSFER OF CONDITIONAL WATER RIGHT</b>	

Old Orchard Subdivision Homeowners Association, an unincorporated not-for-profit association, submits this Notice of Transfer of Conditional Water Right as follows:

1. Title and case number of the case in which the Conditional Decree was entered:  
In the Matter of the Application of Surface Water Rights, Storage Water Right and Plan for Augmentation of Estate of Dorothy L. Bowles in Garfield County, Colorado, Case No. 97CW162.

2. Description of conditional water rights transferred:

25% interest in 0.50 cfs, conditional, Bowles Diversion for domestic, fire protection and storage in Bowles Pond, First Enlargement, legally described as beginning at the point of diversion from a natural gulch known as Bowles Gulch and located at a point in said natural gulch from whence the West Quarter Corner of Section 35, Township 5 South, Range 90 West of the 6<sup>th</sup> P.M. bears South 48° 29' West 1358.28 feet, as decreed in Case No. 97CW162, District Court, Water Division 5, Colorado; and

25% interest in 2.50 AF, conditional, with the right to fill and refill in priority, to the Bowles Pond, First Enlargement, for fire protection and augmentation of 30 single family dwellings, legally described as having a center point in Section 35, Township 5 South, Range 90 West of the 6<sup>th</sup> P.M. at a point 1000 feet from the West Section line and 1750 feet from the North Section line of said Section 35, as decreed in Case No. 97CW162, District Court, Water Division 5, Colorado.

Bowles Well No. 2, permitted by Colorado Division of Water Resources Permit No. 68856-F and the related Plan for Augmentation decreed in Case No. 97CW162, District Court, Water Division 5, Colorado

3. Name of Transferor:  
Roc Gabossi and May Ann Gabossi.
  
4. Name of Transferee:  
Old Orchard Subdivision Homeowners Association  
44523 Highway 6  
Glenwood Springs, CO 80601  
970-384-2630.
  
5. A copy of the recorded deed transferring the subject water rights is attached.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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Old Orchard Subdivision Homeowners Association

610823 09/17/2002 03:25P B1387 P114 M ALSDORF  
1 of 5 R 0.00 D 0.00 GARFIELD COUNTY CO

STATE OF COLORADO )  
 )ss  
County of Garfield )

At a regular meeting of the Board of County Commissioners for Garfield County, Colorado, held in the Commissioners' Meeting Room, Garfield County Courthouse, in Glenwood Springs on, Monday, the 16<sup>th</sup> day of September A.D. 2002, there were present:

- John Martin, Commissioner Chairman
- Larry McCown, Commissioner
- Walt Stowe, Commissioner
- Don DeFord, County Attorney
- Mildred Alsdorf, Clerk of the Board
- Ed Green, County Manager

when the following proceedings, among others were had and done, to-wit:

RESOLUTION No. 2002-84

A RESOLUTION CONCERNED WITH GRANTING AN EXEMPTION FROM THE GARFIELD COUNTY SUBDIVISION REGULATIONS FOR ROCKY AND MARY GABOSI.

WHEREAS, Rocky and Mary Gabossi petitioned the Board of County Commissioners of Garfield County, Colorado, for an exemption from the definition of the terms "subdivision" and "subdivided land" under C.R.S. 1973, 30-28-101 (10) (a)-(d), as amended, and the Subdivision Regulations of Garfield County Colorado, adopted April 23, 1984, Section 8:00 through 8:60 and for the division of a 61.468 acre tract as described in Book 1248, Page 776 and 777, as filed in the Offices of the Clerk and Recorder of Garfield County, Colorado, into three (4) tracts of approximately 20.479 acres, 2.766 acres, 20.848 acres, and 17.375 acres each with the exemption parcels more practically described as follows and contained in Exhibit A:

- Lot 1: See Exhibit A (attached)*
- Lot 2: See Exhibit A (attached)*
- Lot 3: See Exhibit A (attached)*
- Lot 4: See Exhibit A (attached)*

WHEREAS, the Petitioners have demonstrated to the satisfaction of the Board of County Commissioners of Garfield County, Colorado, that the proposed division does not fall within the purposes of Part 1, Article 28, Title 30, Colorado Revised Statutes 1973, as amended, for the reason that the division does not warrant further subdivision review; and

WHEREAS, the Petitioners have demonstrated to the satisfaction of the Board of County Commissioners of Garfield County, Colorado, that there is a reasonable probability of locating

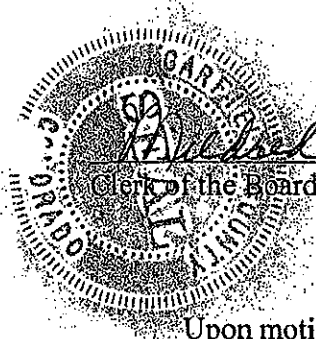
domestic water on each of said parcels, that there is existing ingress and egress to said parcels, that the location of septic tanks will be permitted by the Colorado Department of Health, that the requested division is not part of an existing or larger development and does not fall within the general purposes and intent of the Subdivision Regulations of the State of Colorado and the County of Garfield, and should, therefore, be exempted from the definition of the terms "subdivision" and "subdivided land" as set forth in C.R.S. 1973, 30-28-101 (10) (a)-(d), as amended; and

NOW THEREFORE, BE IT RESOLVED that the division of the above described 61.468 acre parcel is hereby exempted from such definitions and may be conveyed in the form of the "Lot 1", "Lot 2", "Lot 3", and "Lot 4" of the Gabossi Exemption, as are more fully described above and that a copy of the instrument or instruments of conveyance when recorded shall be filed with this Resolution.

Dated this 16<sup>th</sup> day of September, A.D. 2002

ATTEST:

GARFIELD COUNTY BOARD OF  
COMMISSIONERS, GARFIELD  
COUNTY, COLORADO



*Richard Alsdorf*  
Clerk of the Board

*[Signature]*  
Chairman

Upon motion duly made and seconded the foregoing Resolution was adopted by the following vote:

- COMMISSIONER CHAIR JOHN F. MARTIN, Aye
- COMMISSIONER LARRY L. MCCOWN, Aye
- COMMISSIONER WALTER STOWE, Aye

STATE OF COLORADO )  
 )ss  
County of Garfield )

I, \_\_\_\_\_, County Clerk and ex-officio Clerk of the Board of County Commissioners, in and for the County and State aforesaid, do hereby certify that the annexed and foregoing Resolution is truly copied from the Records of the Proceeding of the Board of County Commissioners for said Garfield County, now in my office.



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3 of 5 R 0.00 D 0.00 GARFIELD COUNTY CO

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said  
County, at Glenwood Springs, this \_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_.

County Clerk and ex-officio Clerk of the Board of County Commissioners

\_\_\_\_\_

" Exhibit A "

LEGAL DESCRIPTION  
LOT 1

A TRACT OF LAND SITUATED IN THE NW1/4 OF SECTION 35, TOWNSHIP 5 SOUTH, RANGE 90 WEST OF THE 6TH P.M., COUNTY OF GARFIELD, STATE OF COLORADO, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A POINT FROM WHICH THE NORTH 1/4 CORNER OF SAID SECTION 35 BEARS N.45°21'31"E. 855.56 FEET, SAID NORTH 1/4 CORNER BEING A IRON PIPE WITH AN ALUMINUM CAP, PLS NO. 15710;  
THENCE S.26°31'06"E. 55.72 FEET; THENCE S.26°11'52"W. 62.99 FEET;  
THENCE S.11°39'34"W. 51.69 FEET; THENCE S.37°28'23"W. 80.15 FEET;  
THENCE S.49°48'42"W. 68.45 FEET; THENCE S.22°37'14"W. 167.65 FEET;  
THENCE S.04°15'08"E. 209.64 FEET; THENCE S.40°24'52"W. 63.16 FEET;  
THENCE S.23°42'17"W. 160.96 FEET; THENCE S.34°01'36"W. 250.32 FEET;  
THENCE S.28°03'51"E. 69.80 FEET; THENCE S.02°38'42"W. 142.25 FEET;  
THENCE S.80°11'51"E. 128.20 FEET; THENCE N.72°59'26"E. 101.15 FEET;  
THENCE S.68°43'16"E. 110.56 FEET; THENCE S.74°56'17"E. 210.39 FEET;  
THENCE N.84°18'28"E. 105.41 FEET; THENCE S.24°46'00"W. 319.38 FEET  
TO A POINT ON THE NORTHERLY RIGHT OF WAY OF STATE HIGHWAY 6 AND 24;  
THENCE ALONG SAID RIGHT OF WAY THE FOLLOWING 6 COURSES:  
1) THENCE N.65°14'00"W. 489.04 FEET;  
2) THENCE 426.40 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 2010.00 FEET, A CENTRAL ANGLE OF 12°09'17" AND SUB-TENDING A CHORD WHICH BEARS N.71°18'38"W. 425.60 FEET;  
3) THENCE S.13°12'00"W. 50.00 FEET;  
4) THENCE 270.72 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 1960.00 FEET, A CENTRAL ANGLE OF 07°54'49" AND SUB-TENDING A CHORD WHICH BEARS N.81°21'35"W. 270.50 FEET;  
5) THENCE N.85°19'00"W. 368.00 FEET;  
6) THENCE 109.74 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 5680.00 FEET, A CENTRAL ANGLE OF 01°06'25" AND SUB-TENDING A CHORD WHICH BEARS N.84°45'48"W. 109.74 FEET;  
THENCE DEPARTING SAID RIGHT OF WAY N.23°00'10"E. 85.51 FEET;  
THENCE N.33°41'22"E. 273.31 FEET; THENCE N.10°41'01"E. 126.20 FEET;  
THENCE N.18°00'46"E. 102.71 FEET; THENCE S.79°05'06"E. 44.25 FEET;  
THENCE N.87°14'08"E. 373.76 FEET; THENCE S.83°55'42"E. 116.11 FEET;  
THENCE N.45°21'31"E. 1000.98 FEET TO THE POINT OF BEGINNING.  
TOGETHER WITH AND SUBJECT TO THE ACCESS AND UTILITY EASEMENT(S) INDICATED HEREON.  
SAID TRACT OF LAND CONTAINS 20.479 ACRES, MORE OR LESS.

LEGAL DESCRIPTION  
LOT 2

A TRACT OF LAND SITUATED IN THE NW1/4 OF SECTION 35, TOWNSHIP 5 SOUTH, RANGE 90 WEST OF THE 6TH P.M., COUNTY OF GARFIELD, STATE OF COLORADO, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A POINT FROM WHICH THE NORTH 1/4 CORNER OF SAID SECTION 35 BEARS N.45°21'31"E. 1856.54 FEET, SAID NORTH 1/4 CORNER BEING A IRON PIPE WITH AN ALUMINUM CAP, PLS NO. 15710;  
THENCE N.20°42'31"W. 84.87 FEET; THENCE N.26°55'22"W. 62.07 FEET;  
THENCE N.31°52'13"W. 130.89 FEET; THENCE N.35°15'19"W. 161.50 FEET;  
THENCE N.37°33'49"W. 59.61 FEET; THENCE N.50°44'37"W. 38.18 FEET;  
THENCE S.04°22'29"W. 85.53 FEET; THENCE S.37°48'14"W. 135.68 FEET;  
THENCE S.23°33'14"W. 128.60 FEET; THENCE S.45°44'37"W. 194.88 FEET;  
THENCE S.89°42'59"E. 34.78 FEET; THENCE S.79°05'06"E. 44.25 FEET;  
THENCE N.87°14'08"E. 373.76 FEET; THENCE S.83°55'42"E. 116.11 FEET  
TO THE POINT OF BEGINNING.  
TOGETHER WITH AND SUBJECT TO THE ACCESS AND UTILITY EASEMENT(S) INDICATED HEREON.  
SAID TRACT OF LAND CONTAINING 2.766 ACRES, MORE OR LESS



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4 of 5 R 0.00 D 0.00 GARFIELD COUNTY CO

LEGAL DESCRIPTION  
LOT 3

A TRACT OF LAND SITUATED IN THE NW1/4 OF SECTION 35, TOWNSHIP 5 SOUTH, RANGE 90 WEST OF THE 6TH P.M., COUNTY OF GARFIELD, STATE OF COLORADO, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE SE1/4NW1/4 OF SAID SECTION 35, SAID POINT BEING A REBAR WITH AN ALUMINUM CAP, PLS NO. 15710 FOUND IN PLACE FROM WHICH THE NORTH 1/4 CORNER OF SAID SECTION 35 BEARS N.07°03'10"W. 1321.88 FEET, SAID NORTH 1/4 CORNER BEING A IRON PIPE WITH AN ALUMINUM CAP, PLS NO. 15710;

THENCE S.07°03'10"E. ALONG THE EAST LINE OF SAID SE1/4NW1/4 A DISTANCE OF 548.14 FEET; THENCE DEPARTING SAID EAST LINE S.90°00'00"W. 84.81 FEET; THENCE S.00°40'50"W. 80.42 FEET; THENCE S.10°10'24"E. 237.69 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY OF COUNTY ROAD NO. 138; THENCE ALONG SAID RIGHT OF WAY THE FOLLOWING FOUR COURSES:

- 1) THENCE S.68°56'19"W. 119.42 FEET;
- 2) THENCE S.75°17'17"W. 119.64 FEET;
- 3) THENCE S.79°09'05"W. 64.99 FEET;
- 4) THENCE S.67°03'21"W. 153.83 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY OF STATE HIGHWAY 6 AND 24; THENCE N.65°14'00"W. 269.18 FEET ALONG SAID RIGHT OF WAY; THENCE DEPARTING SAID RIGHT OF WAY N.24°46'00"E. 319.38 FEET; THENCE S.84°18'28"W. 105.41 FEET; THENCE N.74°56'17"W. 210.39 FEET; THENCE N.68°43'16"W. 110.56 FEET; THENCE S.72°59'26"W. 101.15 FEET; THENCE N.80°11'51"W. 128.20 FEET; THENCE N.02°38'42"E. 142.25 FEET; THENCE N.28°03'51"W. 69.80 FEET; THENCE N.34°01'36"E. 250.32 FEET; THENCE N.23°42'17"E. 160.96 FEET; THENCE N.40°24'52"E. 63.16 FEET; THENCE N.88°28'24"E. 158.62 FEET; THENCE S.79°43'07"E. 159.13 FEET; THENCE S.84°39'20"E. 621.99 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH AND SUBJECT TO THE ACCESS AND UTILITY EASEMENT(S) INDICATED HEREON.

SAID TRACT OF LAND CONTAINS 20.848 ACRES, MORE OR LESS

LEGAL DESCRIPTION  
LOT 4

A TRACT OF LAND SITUATED IN THE NW1/4 OF SECTION 35, TOWNSHIP 5 SOUTH, RANGE 90 WEST OF THE 6TH P.M., COUNTY OF GARFIELD, STATE OF COLORADO, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT THE NORTH 1/4 CORNER OF THE OF SAID SECTION 35, SAID POINT BEING A IRON PIPE WITH AN ALUMINUM CAP, PLS NO. 15710; THENCE S.07°03'10"E. ALONG THE EAST LINE OF THE NE1/4NW1/4 OF SAID SECTION 35 A DISTANCE OF 1321.88 FEET TO THE SOUTHEAST CORNER OF SAID NE1/4NW1/4, SAID POINT BEING A REBAR WITH AN ALUMINUM CAP, PLS NO. 15710 FOUND IN PLACE; THENCE DEPARTING SAID EAST LINE N.84°39'20"W. 621.99 FEET; THENCE N.79°43'07"W. 159.13 FEET;

THENCE S.88°28'24"W. 158.62 FEET; THENCE N.04°15'08"W. 209.64 FEET; THENCE N.22°37'14"E. 167.65 FEET; THENCE N.49°48'42"E. 68.45 FEET; THENCE N.37°28'23"E. 80.15 FEET; THENCE N.11°39'34"E. 51.69 FEET; THENCE N.26°11'52"E. 62.99 FEET; THENCE N.26°31'06"W. 55.72 FEET; THENCE N.45°21'31"E. 855.56 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH AND SUBJECT TO THE ACCESS AND UTILITY EASEMENT(S) INDICATED HEREON.

SAID TRACT OF LAND CONTAINS 17.375 ACRES, MORE OR LESS.

610823 09/17/2002 03:25P B1387 P118 M ALSDORF  
5 of 5 R 0.00 D 0.00 GARFIELD COUNTY CO



STATE OF COLORADO )  
 )ss  
County of Garfield )

At a regular meeting of the Board of County Commissioners for Garfield County, Colorado, held in the Commissioners' Meeting Room, Garfield County Plaza Building, in Glenwood Springs on, Monday, the 5<sup>th</sup> day of August A.D. 2002, there were present:

- John Martin, Commissioner Chairman
- Larry McCown, Commissioner
- Walt Stowe, Commissioner
- Don DeFord, County Attorney
- Mildred Alsdorf, Clerk of the Board
- Ed Green, County Manager

when the following proceedings, among others were had and done, to-wit:

**RESOLUTION No. 2003-13**

**A RESOLUTION CONCERNED WITH GRANTING AN EXEMPTION FROM THE DEFINITION OF SUBDIVISION IN THE GARFIELD COUNTY SUBDIVISION REGULATIONS FOR ROCKY AND MARY GABOSI FOR A PROPERTY LOCATED IN THE NW ¼ OF SECTION 25, TOWNSHIP 5 SOUTH, RANGE 90 WEST OF THE SIXTH P. M. GARFIELD COUNTY, COLORADO**

WHEREAS, Rocky and Mary Gabossi petitioned the Board of County Commissioners of Garfield County, Colorado, for an exemption from the definition of the terms "subdivision" and "subdivided land" under C.R.S. 1973, 30-28-101 (10) (a)-(d), as amended, and the Subdivision Regulations of Garfield County Colorado, adopted April 23, 1984, Section 8:00 through 8:60 and for the division of a 61.468 acre tract as described in Book 1248, Page 776 and 777, as filed in the Offices of the Clerk and Recorder of Garfield County, Colorado, into four (4) tracts of approximately 20.220 acres, 34.685 acres, 3.13 acres, and 3.43 acres each with the exemption parcels more practically described as follows and contained in Exhibit A:

- Lot 1: See Exhibit A (attached)*
- Lot 2: See Exhibit A (attached)*
- Lot 3: See Exhibit A (attached)*
- Lot 4: See Exhibit A (attached)*

WHEREAS, the Petitioners have demonstrated to the satisfaction of the Board of County Commissioners of Garfield County, Colorado, that the proposed division does not fall within the purposes of Part 1, Article 28, Title 30, Colorado Revised Statutes 1973, as amended, for the reason that the division does not warrant further subdivision review and







622699 03/11/2003 04:19P B1445 P384 M ALSDORF  
3 of 5 R 0.00 D 0.00 GARFIELD COUNTY CO

I, \_\_\_\_\_, County Clerk and ex-officio Clerk of the Board of County Commissioners, in and for the County and State aforesaid, do hereby certify that the annexed and foregoing Resolution is truly copied from the Records of the Proceeding of the Board of County Commissioners for said Garfield County, now in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County, at Glenwood Springs, this \_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_.

County Clerk and ex-officio Clerk of the Board of County Commissioners

\_\_\_\_\_

LEGAL DESCRIPTION  
LOT 2

A TRACT OF LAND SITUATED IN THE NW1/4 OF SECTION 35, TOWNSHIP 5 SOUTH, RANGE 90 WEST OF THE 6TH P.M., COUNTY OF GARFIELD, STATE OF COLORADO, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE N1/4 CORNER OF SAID SECTION 35, SAID POINT BEING AN IRON PIPE WITH AN ALUMINUM CAP, PLS NO. 15710; THENCE ALONG THE EAST LINE OF SAID NW1/4 S.07°03'10"E, 1870.02 FEET; THENCE DEPARTING SAID WEST LINE N.90°00'00"W, 84.81 FEET; THENCE S.00°40'50"W, 80.42 FEET; THENCE S.10°10'24"E, 123.46 FEET; THENCE S.79°49'36"W, 85.70 FEET; THENCE N.58°20'18"W, 80.34 FEET; THENCE 19.34 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 35.00 FEET, A CENTRAL ANGLE OF 31°39'42" AND SUB-TENDING A CHORD WHICH BEARS N.74°10'09"W, 19.10 FEET; THENCE N.90°00'00"W, 38.18 FEET; THENCE 88.08 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 515.00 FEET, A CENTRAL ANGLE OF 09°47'59" AND SUB-TENDING A CHORD WHICH BEARS N.85°06'01"W, 87.98 FEET; THENCE N.80°12'01"W, 56.76 FEET; THENCE 110.42 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 65.00 FEET, A CENTRAL ANGLE OF 97°20'08" AND SUB-TENDING A CHORD WHICH BEARS N.31°31'57"W, 97.62 FEET; THENCE N.84°08'51"W, 119.80 FEET; THENCE S.84°18'28"W, 105.41 FEET; THENCE N.74°56'17"W, 210.39 FEET; THENCE N.68°43'16"W, 110.56 FEET; THENCE S.72°59'26"W, 101.15 FEET; THENCE N.80°11'51"W, 128.20 FEET; THENCE N.02°38'42"E, 142.25 FEET; THENCE N.28°03'51"W, 69.80 FEET; THENCE N.34°01'36"E, 250.32 FEET; THENCE N.23°42'17"E, 160.96 FEET; THENCE N.40°24'52"E, 63.16 FEET; THENCE N.04°15'08"W, 209.64 FEET; THENCE N.22°37'14"E, 167.65 FEET; THENCE N.49°48'42"E, 68.45 FEET; THENCE N.37°28'23"E, 80.15 FEET; THENCE N.11°39'34"E, 51.69 FEET; THENCE N.26°11'52"E, 62.99 FEET; THENCE N.26°31'06"W, 55.72 FEET; THENCE N.45°21'31"E, 855.56 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 1,510,900 SQ.FT. OR 34.685 ACRES, MORE OR LESS.

LEGAL DESCRIPTION  
LOT 4

A TRACT OF LAND SITUATED IN THE NW1/4 OF SECTION 35, TOWNSHIP 5 SOUTH, RANGE 90 WEST OF THE 6TH P.M., COUNTY OF GARFIELD, STATE OF COLORADO, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT FROM WHICH THE N1/4 CORNER OF SAID SECTION 35 BEARS N.10°07'06"E, 1944.83 FEET, SAID POINT BEING AN IRON PIPE WITH AN ALUMINUM CAP, PLS NO. 15710; THENCE S.24°46'00"W, 324.52 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY OF STATE HIGHWAY 6 AND 24; THENCE ALONG SAID RIGHT OF WAY S.65°14'00"E, 254.18 FEET TO A POINT WHICH INTERSECTS THE NORTHWESTERLY RIGHT OF WAY OF GARFIELD COUNTY ROAD NO. 138; THENCE ALONG SAID NORTHWESTERLY RIGHT OF WAY THE FOLLOWING FOUR (4) COURSES:

THENCE N.67°03'21"E, 153.83 FEET; THENCE N.79°09'05"E, 64.99 FEET; THENCE N.75°17'17"E, 119.64 FEET; THENCE N.68°56'19"E, 119.42 FEET; THENCE DEPARTING SAID RIGHT OF WAY N.10°10'24"W, 114.23 FEET; THENCE S.79°49'36"W, 85.70 FEET; THENCE N.58°20'18"W, 80.34 FEET; THENCE 19.34 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 35.00 FEET, A CENTRAL ANGLE OF 31°39'42" AND SUB-TENDING A CHORD WHICH BEARS N.74°10'09"W, 19.10 FEET; THENCE N.90°00'00"W, 38.18 FEET; THENCE 88.08 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 515.00 FEET, A CENTRAL ANGLE OF 09°47'59" AND SUB-TENDING A CHORD WHICH BEARS N.85°06'01"W, 87.98 FEET; THENCE N.80°12'01"W, 56.76 FEET; THENCE 110.42 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 65.00 FEET, A CENTRAL ANGLE OF 97°20'08" AND SUB-TENDING A CHORD WHICH BEARS N.31°31'57"W, 97.62 FEET; THENCE N.84°08'51"W, 103.94 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 149,257 SQ.FT. OR 3.43 ACRES, MORE OR LESS.

522699 03/11/2003 04:19P B1445 P385 N RLSDORF  
4 of 5 R 0.00 D 0.00 GARFIELD COUNTY CO

622699 03/11/2003 04:19P B1445 P386 M ALSDORF  
5 of 5 R 0.00 D 0.00 GARFIELD COUNTY CO

LEGAL DESCRIPTION  
LOT 1

A TRACT OF LAND SITUATED IN THE NW1/4 OF SECTION 35, TOWNSHIP 5 SOUTH, RANGE 90 WEST OF THE 6TH P.M., COUNTY OF GARFIELD, STATE OF COLORADO, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A POINT FROM WHICH THE NORTH 1/4 CORNER OF SAID SECTION 35 BEARS N.45°21'31"E. 855.56 FEET, SAID NORTH 1/4 CORNER BEING A IRON PIPE WITH AN ALUMINUM CAP, PLS NO. 15710;  
THENCE S.26°31'06"E. 55.72 FEET; THENCE S.26°11'52"W. 62.99 FEET;  
THENCE S.11°39'34"W. 51.69 FEET; THENCE S.37°28'23"W. 80.15 FEET;  
THENCE S.49°48'42"W. 68.45 FEET; THENCE S.22°37'14"W. 167.65 FEET;  
THENCE S.04°15'08"E. 209.64 FEET; THENCE S.40°24'52"W. 63.16 FEET;  
THENCE S.23°42'17"W. 160.96 FEET; THENCE S.34°01'36"W. 250.32 FEET;  
THENCE S.28°03'51"E. 69.80 FEET; THENCE S.02°38'42"W. 276.57 FEET  
TO A POINT ON THE NORTHERLY RIGHT OF WAY OF STATE HIGHWAY 6 AND 24;  
THENCE ALONG SAID RIGHT OF WAY THE FOLLOWING 5 COURSES:  
1) THENCE 358.13 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 2010.00 FEET, A CENTRAL ANGLE OF 10°12'31" AND SUB-TENDING A CHORD WHICH BEARS N.72°17'01"W. 357.65 FEET;  
2) THENCE S.13°12'00"W. 50.00 FEET;  
3) THENCE 270.72 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 1960.00 FEET, A CENTRAL ANGLE OF 07°54'49" AND SUB-TENDING A CHORD WHICH BEARS N.81°21'35"W. 270.50 FEET;  
4) THENCE N.85°19'00"W. 368.00 FEET;  
5) THENCE 109.74 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 5680.00 FEET, A CENTRAL ANGLE OF 01°06'25" AND SUB-TENDING A CHORD WHICH BEARS N.84°45'48"W. 109.74 FEET;  
THENCE DEPARTING SAID RIGHT OF WAY N.23°00'10"E. 85.51 FEET;  
THENCE N.33°41'22"E. 273.31 FEET; THENCE N.10°41'01"E. 126.20 FEET;  
THENCE N.18°00'46"E. 102.71 FEET; THENCE S.79°05'06"E. 44.25 FEET;  
THENCE N.87°14'08"E. 373.76 FEET; THENCE S.83°55'42"E. 116.11 FEET;  
THENCE N.45°21'31"E. 1000.98 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 20.220 ACRES, MORE OR LESS.

LEGAL DESCRIPTION  
LOT 3

A TRACT OF LAND SITUATED IN THE NW1/4 OF SECTION 35, TOWNSHIP 5 SOUTH, RANGE 90 WEST OF THE 6TH P.M., COUNTY OF GARFIELD, STATE OF COLORADO, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT FROM WHICH THE NW1/4 CORNER OF SAID SECTION 35 BEARS N.10°07'06"E. 1944.83 FEET, SAID POINT BEING AN IRON PIPE WITH AN ALUMINUM CAP, PLS NO. 15710; THENCE S.24°46'00"W. 324.52 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY OF STATE HIGHWAY 6 AND 24;  
THENCE ALONG SAID RIGHT OF WAY N.65°14'00"W. 504.04 FEET; THENCE CONTINUING ALONG SAID RIGHT OF WAY 68.27 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 2010.00 FEET, A CENTRAL ANGLE OF 01°56'46" AND SUB-TENDING A CHORD WHICH BEARS N.66°12'33"W. 68.27 FEET; THENCE DEPARTING SAID RIGHT OF WAY N.02°38'42"E. 134.32 FEET;  
THENCE S.80°11'51"E. 128.20 FEET; THENCE N.72°59'26"E. 101.15 FEET;  
THENCE S.68°43'16"E. 110.56 FEET; THENCE S.74°56'17"E. 210.39 FEET;  
THENCE N.84°18'28"E. 105.41 FEET; THENCE S.84°08'51"E. 15.86 FEET  
TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 136,553 SQ.FT. OR 3.13 ACRES, MORE OR LESS.



683629 10/04/2005 02:23P B1732 P859 M ALSDORF  
1 of 3 R 0.00 D 0.00 GARFIELD COUNTY CO

STATE OF COLORADO )  
 )ss  
County of Garfield )

At a regular meeting of the Board of County Commissioners for Garfield County, Colorado, held in the Commissioners' Meeting Room, Garfield County Plaza Building, in Glenwood Springs on Monday, the 1<sup>st</sup> day of August, 2005, A. D. there were present:

<u>John Martin</u>	, Commissioner Chairman
<u>Larry McCown</u>	, Commissioner
<u>Tresi Houpt</u>	, Commissioner
<u>Don DeFord</u>	, County Attorney
<u>Mildred Alsdorf</u>	, Clerk of the Board
<u>Ed Green</u>	, County Manager

when the following proceedings, among others were had and done, to-wit:

**RESOLUTION NO.        2005-73**

**A RESOLUTION CONCERNED WITH THE APPROVAL OF A SPECIAL USE PERMIT FOR AN ACCESSORY DWELLING UNIT FOR A PROPERTY LOCATED AT 44523 HWY 6 GARFIELD COUNTY, COLORADO.**

WHEREAS, the Board of County Commissioners of Garfield County, Colorado ("Board"), has received an application for a Special Use Permit ("SUP") for an accessory dwelling unit from Rocky Gabossi, for a property located at 44523 HWY 6 within the A/R/RD zone district; and

WHEREAS, the Board held a public hearing on the 1<sup>st</sup> day of August, 2005 A.D., upon the question of whether the above described SUP should be granted or denied, at which hearing the public and interested persons were given the opportunity to express their opinions concerning the approval of said special use permit; and

WHEREAS, the Board on the basis of substantial competent evidence produced at the aforementioned hearing, has made the following determination of fact as listed below:

1. That proper public notice was provided as required for the hearing before the Board of County Commissioners and proof thereof submitted in the record;
2. That the hearing before the Board of County Commissioners was extensive and complete, that sufficient pertinent facts, matters and issues were submitted and that all interested parties were heard at that meeting;

449  
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3. That for the above stated and other reasons, the proposed special use permit is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of Garfield County.
4. That the application is in conformance with §3.02.03 and 5.03.021 of the Garfield County Zoning Resolution of 1978, as amended;

**NOW THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Garfield County, Colorado, that SUP is hereby approved subject to compliance with all of the following specific conditions:

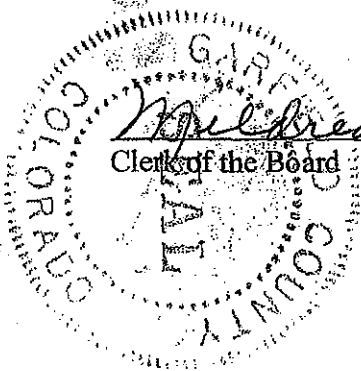
1. All representations of the applicant, either within the application or stated at the hearing before the Board of County Commissioners, shall be considered conditions of approval unless otherwise modified by the Board.
2. All lighting associated with the ADU shall be the minimum amount necessary. All exterior lighting shall be shielded to prevent light trespass on any adjoining property and be downward facing towards the structure.
3. The Applicant shall obtain the appropriate ISDS permit as part of the building permit process for the ADU. This system shall comply with the regulations and standards required by the Colorado Department of Public Health and Environment.
4. The applicant shall obtain any applicable CDOT access permits and any Garfield County grading permits.
5. That the applicant shall meet all requirements of the Garfield County Zoning Resolution of 1978, as amended, and shall meet all building code requirements.
6. That the gross floor area of the accessory dwelling unit shall not exceed 1,500 square feet.
7. That the accessory dwelling unit shall not be conveyed as a separate interest but may be leased.
8. That, prior to issuance of the special use permit, the water quality be tested by an independent laboratory and meet State guidelines concerning bacteria and nitrates.



883629 10/04/2005 02:23P B1732 P861 M ALSDORF  
3 of 3 R 0.00 D 0.00 GARFIELD COUNTY CO

Dated this 3rd day of October, A.D. 2005.

ATTEST



Mildred Alsdorf  
Clerk of the Board

GARFIELD COUNTY BOARD OF  
COMMISSIONERS, GARFIELD  
COUNTY, COLORADO

[Signature]  
Chairman

Upon motion duly made and seconded the foregoing Resolution was adopted by the following vote:

- COMMISSIONER CHAIR JOHN F. MARTIN, Aye
- COMMISSIONER LARRY L. MCCOWN, Aye
- COMMISSIONER TRESI HOUP, Aye

STATE OF COLORADO    )  
  )ss  
County of Garfield    )

I, \_\_\_\_\_, County Clerk and ex-officio Clerk of the Board of County Commissioners, in and for the County and State aforesaid, do hereby certify that the annexed and foregoing Resolution is truly copied from the Records of the Proceeding of the Board of County Commissioners for said Garfield County, now in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County, at Glenwood Springs, this \_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_.

County Clerk and ex-officio Clerk of the Board of County Commissioners

\_\_\_\_\_



683629 10/04/2005 02:23P B1732 P859 M ALSDORF  
1 of 3 R 0.00 D 0.00 GARFIELD COUNTY CO

STATE OF COLORADO )  
 )ss  
County of Garfield )

At a regular meeting of the Board of County Commissioners for Garfield County, Colorado, held in the Commissioners' Meeting Room, Garfield County Plaza Building, in Glenwood Springs on Monday, the 1<sup>st</sup> day of August, 2005, A. D. there were present:

<u>John Martin</u>	, Commissioner Chairman
<u>Larry McCown</u>	, Commissioner
<u>Tresi Houpt</u>	, Commissioner
<u>Don DeFord</u>	, County Attorney
<u>Mildred Alsdorf</u>	, Clerk of the Board
<u>Ed Green</u>	, County Manager

when the following proceedings, among others were had and done, to-wit:

**RESOLUTION NO.      2005-73**

**A RESOLUTION CONCERNED WITH THE APPROVAL OF A SPECIAL USE PERMIT FOR AN ACCESSORY DWELLING UNIT FOR A PROPERTY LOCATED AT 44523 HWY 6 GARFIELD COUNTY, COLORADO.**

WHEREAS, the Board of County Commissioners of Garfield County, Colorado ("Board"), has received an application for a Special Use Permit ("SUP") for an accessory dwelling unit from Rocky Gabossi, for a property located at 44523 HWY 6 within the A/R/RD zone district; and

WHEREAS, the Board held a public hearing on the 1<sup>st</sup> day of August, 2005 A.D., upon the question of whether the above described SUP should be granted or denied, at which hearing the public and interested persons were given the opportunity to express their opinions concerning the approval of said special use permit; and

WHEREAS, the Board on the basis of substantial competent evidence produced at the aforementioned hearing, has made the following determination of fact as listed below:

1. That proper public notice was provided as required for the hearing before the Board of County Commissioners and proof thereof submitted in the record;
2. That the hearing before the Board of County Commissioners was extensive and complete, that sufficient pertinent facts, matters and issues were submitted and that all interested parties were heard at that meeting;

447  
3



3. That for the above stated and other reasons, the proposed special use permit is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of Garfield County.
4. That the application is in conformance with §3.02.03 and 5.03.021 of the Garfield County Zoning Resolution of 1978, as amended;

**NOW THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Garfield County, Colorado, that SUP is hereby approved subject to compliance with all of the following specific conditions:

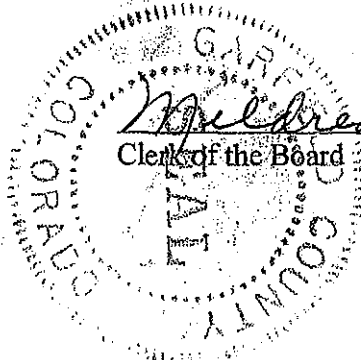
1. All representations of the applicant, either within the application or stated at the hearing before the Board of County Commissioners, shall be considered conditions of approval unless otherwise modified by the Board.
2. All lighting associated with the ADU shall be the minimum amount necessary. All exterior lighting shall be shielded to prevent light trespass on any adjoining property and be downward facing towards the structure.
3. The Applicant shall obtain the appropriate ISDS permit as part of the building permit process for the ADU. This system shall comply with the regulations and standards required by the Colorado Department of Public Health and Environment.
4. The applicant shall obtain any applicable CDOT access permits and any Garfield County grading permits.
5. That the applicant shall meet all requirements of the Garfield County Zoning Resolution of 1978, as amended, and shall meet all building code requirements.
6. That the gross floor area of the accessory dwelling unit shall not exceed 1,500 square feet.
7. That the accessory dwelling unit shall not be conveyed as a separate interest but may be leased.
8. That, prior to issuance of the special use permit, the water quality be tested by an independent laboratory and meet State guidelines concerning bacteria and nitrates.



683629 10/04/2005 02:23P B1732 P861 M ALSDORF  
3 of 3 R 0.00 D 0.00 GARFIELD COUNTY CO

Dated this 3rd day of October, A.D. 2005.

ATTEST



Mildred Alsdorf  
Clerk of the Board

GARFIELD COUNTY BOARD OF  
COMMISSIONERS GARFIELD  
COUNTY, COLORADO

[Signature]  
Chairman

Upon motion duly made and seconded the foregoing Resolution was adopted by the following vote:

- COMMISSIONER CHAIR JOHN F. MARTIN, Aye
- COMMISSIONER LARRY L. MCCOWN, Aye
- COMMISSIONER TRESI HOIPT, Aye

STATE OF COLORADO    )  
  )ss  
County of Garfield    )

I, \_\_\_\_\_, County Clerk and ex-officio Clerk of the Board of County Commissioners, in and for the County and State aforesaid, do hereby certify that the annexed and foregoing Resolution is truly copied from the Records of the Proceeding of the Board of County Commissioners for said Garfield County, now in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County, at Glenwood Springs, this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_.

County Clerk and ex-officio Clerk of the Board of County Commissioners

\_\_\_\_\_

# ***SPECIAL USE PERMIT***

for

## ***Rocky Gabossi***

### ***44523 Hwy 6 & 24, New Castle, Colorado***

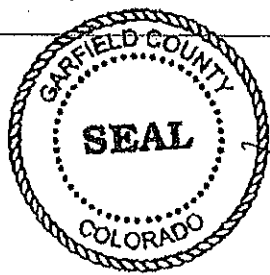
#### ***Parcel Number: 212335200185***

In accordance with and pursuant to the provisions of the Garfield County Zoning Resolution of 1978, as amended, and Resolution No. 2005 - 73 of the Board of County Commissioners of Garfield County, State of Colorado, hereby authorizes, by Special Use Permit, the following activity:

#### ***An Accessory Dwelling Unit***

The Special Use Permit is issued subject to the conditions set forth in the above-mentioned resolution, and shall be valid only during compliance with such conditions and other applicable provisions of the Garfield County Zoning Resolution, Subdivision Regulations, Building Code, and other regulations of the Board of County Commissioners of Garfield County, Colorado.

ATTEST:



*Jean M. Allieris*  
Clerk of the Board

GARFIELD COUNTY BOARD OF  
COMMISSIONERS, GARFIELD  
COUNTY, COLORADO

*[Handwritten Signature]*  
Chairman

STATE OF COLORADO     )  
  )ss  
County of Garfield     )

At a regular meeting of the Board of County Commissioners for Garfield County, Colorado, held in the Commissioners' Meeting Room, Garfield County Plaza Building, in Glenwood Springs on Monday, the 1<sup>st</sup> day of August, 2005, A. D. there were present:

John Martin, Commissioner Chairman  
Larry McCown, Commissioner  
Tresi Houpt, Commissioner  
Don DeFord, County Attorney  
Mildred Alsdorf, Clerk of the Board  
Ed Green, County Manager

when the following proceedings, among others were had and done, to-wit:

**RESOLUTION NO. \_\_\_\_\_ 2005-73**

**A RESOLUTION CONCERNED WITH THE APPROVAL OF A SPECIAL USE PERMIT FOR AN ACCESSORY DWELLING UNIT FOR A PROPERTY LOCATED AT 44523 HWY 6 GARFIELD COUNTY, COLORADO.**

WHEREAS, the Board of County Commissioners of Garfield County, Colorado ("Board"), has received an application for a Special Use Permit ("SUP") for an accessory dwelling unit from Rocky Gabossi, for a property located at 44523 HWY 6 within the A/R/RD zone district; and

WHEREAS, the Board held a public hearing on the 1<sup>st</sup> day of August, 2005 A.D., upon the question of whether the above described SUP should be granted or denied, at which hearing the public and interested persons were given the opportunity to express their opinions concerning the approval of said special use permit; and

WHEREAS, the Board on the basis of substantial competent evidence produced at the aforementioned hearing, has made the following determination of fact as listed below:

1. That proper public notice was provided as required for the hearing before the Board of County Commissioners and proof thereof submitted in the record;
2. That the hearing before the Board of County Commissioners was extensive and complete, that sufficient pertinent facts, matters and issues were submitted and that all interested parties were heard at that meeting;

447  
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3. That for the above stated and other reasons, the proposed special use permit is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of Garfield County.
4. That the application is in conformance with §3.02.03 and 5.03.021 of the Garfield County Zoning Resolution of 1978, as amended;

**NOW THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Garfield County, Colorado, that SUP is hereby approved subject to compliance with all of the following specific conditions:

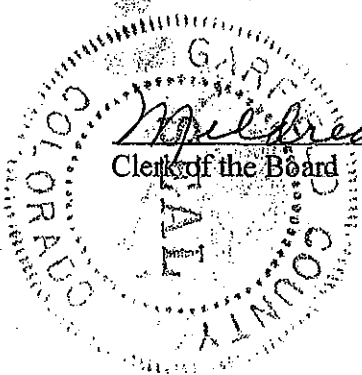
1. All representations of the applicant, either within the application or stated at the hearing before the Board of County Commissioners, shall be considered conditions of approval unless otherwise modified by the Board.
2. All lighting associated with the ADU shall be the minimum amount necessary. All exterior lighting shall be shielded to prevent light trespass on any adjoining property and be downward facing towards the structure.
3. The Applicant shall obtain the appropriate ISDS permit as part of the building permit process for the ADU. This system shall comply with the regulations and standards required by the Colorado Department of Public Health and Environment.
4. The applicant shall obtain any applicable CDOT access permits and any Garfield County grading permits.
5. That the applicant shall meet all requirements of the Garfield County Zoning Resolution of 1978, as amended, and shall meet all building code requirements.
6. That the gross floor area of the accessory dwelling unit shall not exceed 1,500 square feet.
7. That the accessory dwelling unit shall not be conveyed as a separate interest but may be leased.
8. That, prior to issuance of the special use permit, the water quality be tested by an independent laboratory and meet State guidelines concerning bacteria and nitrates.



683629 10/04/2005 02:23P B1732 P861 M ALSDORF  
3 of 3 R 0.00 D 0.00 GARFIELD COUNTY CO

Dated this 3rd day of October, A.D. 2005.

ATTEST



Mildred Alsdorf  
Clerk of the Board

GARFIELD COUNTY BOARD OF  
COMMISSIONERS, GARFIELD  
COUNTY, COLORADO

[Signature]  
Chairman

Upon motion duly made and seconded the foregoing Resolution was adopted by the following vote:

- COMMISSIONER CHAIR JOHN F. MARTIN, Aye
- COMMISSIONER LARRY L. MCCOWN, Aye
- COMMISSIONER TRESI HOIPT, Aye

STATE OF COLORADO    )  
  )ss  
County of Garfield    )

I, \_\_\_\_\_, County Clerk and ex-officio Clerk of the Board of County Commissioners, in and for the County and State aforesaid, do hereby certify that the annexed and foregoing Resolution is truly copied from the Records of the Proceeding of the Board of County Commissioners for said Garfield County, now in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County, at Glenwood Springs, this \_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_.

County Clerk and ex-officio Clerk of the Board of County Commissioners

\_\_\_\_\_

# STATE OF COLORADO

## DEPARTMENT OF TRANSPORTATION

Region 3 Traffic & Safety  
222 South 6<sup>th</sup> Street, Room 100  
Grand Junction, Colorado 81501  
(970)683-6283



November 26, 2008

Cindy Watson  
1802 S. Townsend Ave  
Montrose, CO 81401

**RE: State Highway Access Permit No. 306122, Located on Highway 550, Milepost 128.284, in Montrose County**

Dear Applicant:

A general site observation of the construction required under the above named access permit has been completed. All work appears to have been done in general close conformity with the above named permits. The observation done by the Colorado Department of Transportation (CDOT) is only for the general conformance of CDOT design and code requirements. It is the responsibility of the Permittee to comply with all provisions of the access permit.

In accordance with section 2.5(6) of the State Highway Access Code, if any construction element fails within two-years due to improper construction or material specifications, the Permittee shall be responsible for all repairs. Failure to make such repairs may result in suspension of the permit and closure of the access. This two-year warrant period shall expire on **March 15, 2010**

In accordance with section 2.7 of the State Highway Access Code, it is the responsibility of the permittee for the repair and maintenance of the access beyond the edge of the roadway.

If I can be of any further assistance in this or any other matter, please feel free to contact me at the office listed above.

Sincerely,

**Dan Roussin**  
*Access Permit Manager*

cc: File

# STATE OF COLORADO

## DEPARTMENT OF TRANSPORTATION

Maintenance & Operations Branch  
Property Management Section  
15285 S. Golden Road, Bldg. 47  
Golden, Colorado 80401  
(303) 512-5523  
Fax (303) 512-5550



### Colorado Department of Transportation Encroachment Licenses

The Colorado Department of Transportation (CDOT) will grant an Encroachment License to an owner of certain structures and/or other improvements that encroach upon State of Colorado highway system right of way if the encroachment was in existence on or before January 1, 1983. To acquire the license, the owner must:

- Make application to CDOT for an encroachment license. Application should be made to:

Colorado Department of Transportation  
Property Management Section  
15285 S. Golden Rd., Bldg. 47  
Golden, Colorado 80401

- Include consideration of \$250.00 with the application.
- Comply with the terms and conditions of CDOT's Encroachment License, including the specific requirement that the Licensee purchases general liability and property damage insurance in the amounts of not less than \$150,000.00 per person and \$600,000.00 per occurrence and names CDOT as an additional insured.

If an Encroachment License currently exists on real property with structures and or other improvements that encroach upon right of way, and title to that real property transfers, CDOT will grant the new owner an Encroachment License under the condition that they comply with the terms stated above.

For questions regarding encroachment licenses, please contact David Fox at 303-512-5523.



Property Mgmt. No.: \_\_\_\_\_  
Project No.: FAP 145D  
Parcel ID: N/A  
Location: 44525 Hwy 6, Glenwood  
Springs | NW ¼ Sec. 35, T. 5  
S., R. 90 W., 6<sup>th</sup> P.M.

### ENCROACHMENT LICENSE

**THIS AGREEMENT**, made and entered into in triplicate this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, by and between the State of Colorado for the use and benefit of the Colorado Department of Transportation, the Licensor and Roc Anthony Gabossi and Mary Ann Gabossi, the Licensee,

#### WITNESSETH

**WHEREAS**, the Licensor is the owner of certain real property heretofore acquired as right of way for a public highway constructed as Project F 001-1(19), now occupied and used as State Highway No. 6, and

**WHEREAS**, the Licensee is the owner of a fresh water pond now found to encroach upon said right of way, and

**WHEREAS**, it is the desire of the parties hereto to provide for the temporary occupancy by the Licensee of the land in said right of way so encroached upon until the same shall be terminated by the Colorado Department of Transportation; the above stated Licensee no longer owns the encroaching improvements or until an overt act by the Licensee, shall cause the cancellation of this License.

**NOW THEREFORE BE IT KNOWN**, that in consideration of the sum of **Two Hundred Fifty Dollars (\$250.00)** to the said Licensor paid by the Licensee, receipt whereof is hereby confessed and acknowledged, and in further consideration of the conditions herein written, to be kept by the parties hereto and their respective heirs, and successors, the Licensor does hereby LICENSE AND LET unto the Licensee, the following right of way as shown on the map attached hereto, and made a part hereof and marked "**Exhibits A**", consisting of three (3) sheets .

This License is made and accepted subject to the following conditions:

1. This License may be terminated by the Licensor upon ninety (90) days notice in writing to the Licensee, whenever, at the sole discretion of the Licensor. This License is also terminated as of the date the Licensee no longer owns the encroaching improvements. The Licensee shall be solely responsible for any costs generated and resulting from termination of this License.
2. The Licensee may occupy the Licensed Premises until at such time it is canceled per paragraph one, unless sooner canceled, but no additions will be permitted to be made to existing structures. In case of partial or total destruction of such existing structures by fire, windstorm, or other disaster or by riot or insurrection, no reconstruction, remodeling or rehabilitation will be permitted without written approval of Licensor; but nothing herein contained shall be construed as denying the Licensee the right to perform normal maintenance.
3. Buildings, structures, improvements located upon the Licensed Premises and owned by the Licensee may be removed by the Licensee during the term of this License, or any extension hereof, or within sixty (60) days after service of notice to vacate as herein provided.
4. The Licensee shall not perform any acts, nor shall the Licensee permit the performance of any acts upon the Licensed Premises which are contrary to the laws of the United States, statutes of

the State of Colorado, ordinances of the Municipality, and breach of this condition shall constitute cause for immediate revocation of this License and all Licensee's rights hereunder shall thereupon cease.

5. The Licensor owes no duty to protect the Licensee from damage resulting from construction, maintenance, or other operations carried on in connection with said highway, and Licensor shall not be held liable for such damage.

6. The Licensee shall save and hold harmless, the Licensor from any liability for damage to persons or property resulting from occupancy of the Licensed Premises evidenced by current P.L. & P.D. policy in the amounts specified under Item 7.

7. Hold Harmless and Insurance. The Licensee shall save, indemnify and hold harmless the Licensor and FHWA for any damage or loss to persons or property resulting from Licensee's occurrence or use of the Licensed Premises and shall purchase general liability and property damage insurance in the amount of not less than \$150,000.00 per person and \$600,000.00 per occurrence. In order for this License to be executed, Licensee must provide a Certificate of Insurance listing the Colorado Department of Transportation as Certificate Holder and additional insured. The Certificate of Insurance must also evidence that the Certificate Holder will be provided a 45 – day written notice by certified mail of cancellation or non-renewal of the policy. The above insurance requirement must be in effect during the entire term of the license. Licensee shall at its sole cost and expense, shall obtain insurance on his inventory, equipment, and all other personal property located on the Licensed Premises against loss resulting from fire or other casualty. An annual Certificate of Insurance must be kept on file for the term of this License, and should be mailed to:

COLORADO DEPARTMENT OF TRANSPORTATION  
Maintenance & Operations Branch  
Property Management Section  
15285 S. Golden Road, Building 47  
Golden, Colorado 80401

8. Licensee shall not assign this License without specific written permission of the Licensor.

9. The Licensee agrees to defend, indemnify and hold harmless the Licensor and any employees, agents, contractors, and officials of the Licensor against any and all damages, claims, liability, loss, fines, or expenses, including attorney's fees and litigation costs, related to the presence, disposal, release or clean-up of any contaminants, hazardous materials or pollutants on, over, under, from or affecting the property subject to this License Agreement, which contaminants or hazardous materials the Licensee or its employees, agents, contractors or officials have caused to be located, disposed, or released on the property.

10. The Licensee shall also be responsible for all damages, claims and liability to the soil, water, vegetation, buildings or personal property located thereon as well as any personal injury or property damage related to such contaminants or hazardous materials.

11. Upon the transfer of title of this property, this License is null and void, and new owner must reapply for said License.

12. This License will be recorded in the Garfield County Colorado real estate records to put future buyers/ users on notice of this license.

WITNESS WHEREOF, the undersigned execute this lease as of the day and year first above written.

LICENSEE:

By: Roc Anthony Gobossi  
Title: Owner  
Address: 44523 Highway 6  
Glenwood Springs, CO 81601

LICENSEE:

By: Mary Ann Gobossi  
Title: Owner  
Address: 44523 Highway 6  
Glenwood Springs,  
CO, 81601

STATE OF COLORADO )  
  ) ss  
COUNTY OF GARFIELD )

The foregoing lease was subscribed and sworn to before me this \_\_\_\_ day of, 200\_\_\_, by Roc Anthony Gobossi and Mary Ann Gobossi.

Witness my hand and official seal.  
My Commission expires \_\_\_\_\_.

Address: \_\_\_\_\_  
Notary Public  
\_\_\_\_\_

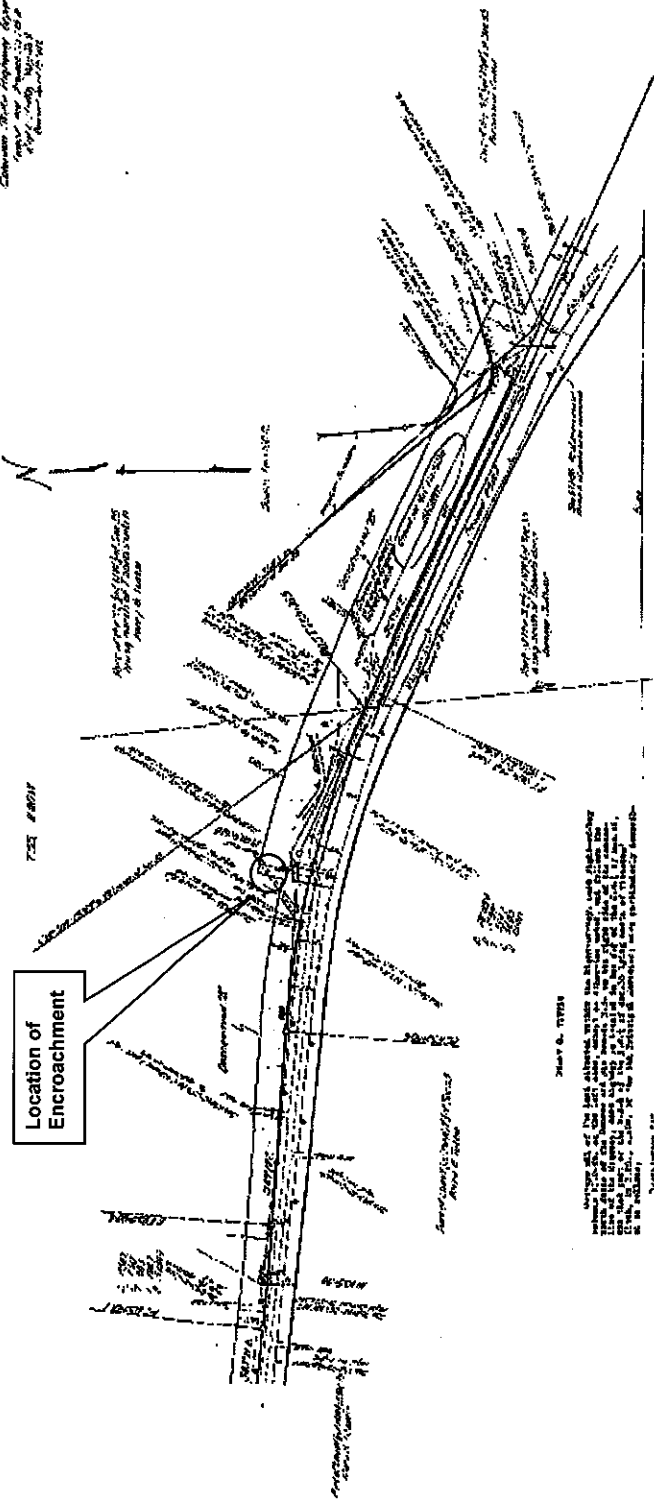
ATTEST:

\_\_\_\_\_  
Bernhardt K. Rasmussen  
Chief Clerk

LICENSOR:  
STATE OF COLORADO  
DEPARTMENT OF  
TRANSPORTATION

\_\_\_\_\_  
Pamela Hutton, P.E.  
Chief Engineer

Commonwealth of Massachusetts  
 Department of Transportation  
 Office of Highway Construction  
 700 State Street  
 Boston, Massachusetts 02116



DATE: 10/15/98

ENCROACHMENT ON HIGHWAY  
 The following information was obtained from the field inspection conducted on 10/15/98. The proposed encroachment is located on the north side of the highway, approximately 100 feet from the centerline. The encroachment consists of a concrete structure, approximately 10 feet wide and 4 feet high. The structure is located within the right-of-way of the highway. The proposed encroachment is shown on the attached plan view. The plan view shows the location of the proposed encroachment relative to the centerline of the highway. The plan view also shows the location of the existing concrete structure. The proposed encroachment is shown in solid lines, and the existing concrete structure is shown in dashed lines. The plan view also shows the location of the proposed concrete structure. The proposed concrete structure is shown in solid lines, and the existing concrete structure is shown in dashed lines. The plan view also shows the location of the proposed concrete structure. The proposed concrete structure is shown in solid lines, and the existing concrete structure is shown in dashed lines.

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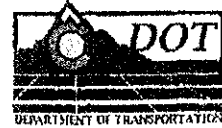
EXHIBIT A  
 SHEET 1 OF 3





# STATE OF COLORADO

Region 3 Traffic Section  
222 S. Sixth St., Room 100  
Grand Junction, Colorado 81501  
(970) 683-6284 Fax:(970) 683-6290



July 15, 2009

John Taufer  
PO Box 2271  
Glenwood Springs, CO 81602

**RE: State Highway Access Permit No. 309040, Located on Highway 006, Milepost 109.8,  
in Garfield County.**

Dear Permittee or Applicant:

The Colorado Department of Transportation (CDOT) has received your signed permit and application fee. A copy of the issued permit is enclosed. The next step in the CDOT access permitting process is for you (Applicant) to obtain a Notice to Proceed (NTP). *Failure to obtain an approved Notice to Proceed prior to any construction will be a violation of the State Highway Access Code (2 CCR 601-1, "the Code") § 2.4.*

### **Notice to Proceed Information**

Well in advance of construction, the Applicant shall request a NTP in writing along with submitting other items, such as construction drawings, specifications, and other required documents to CDOT. The Applicant must submit a complete packet of this information to CDOT with their written request. If the Applicant chooses not to request the NTP, the permit expires pursuant to subsection 2.3(11)(d).

CDOT has seven days to determine if the NTP submittal is complete for review and then notify the applicant of any deficiencies. If complete, CDOT will review and comment on the submitted information within 30-days. If CDOT determines the information is unacceptable, missing, or in need of correction, the Applicant shall correct their submittal and resubmit the complete request for NTP.

Once resubmitted, CDOT will review the revised NTP documents within 10-days. If the revised documents are satisfactory, CDOT will issue a NTP. If further corrections are necessary, the cycle of submittal, review and comments will repeat itself until approval is granted and the NTP is issued.

The request for NTP shall include the following documents, along with any other items specified in the Terms and Conditions of your permit:

- 1) **Cover Letter Requesting a NTP (include firm name, PE name and contact number)**
- 2) **Traffic Control Plan (2 copies)**

The traffic control plan must be:

- A. Consistent with CDOT Standard Plans Manual for Maintenance and Signing
- B. Consistent with the MUTCD
- C. Prepared by individual with American Traffic Safety Services Association (ATSSA) or Colorado Contractors Association certification – or sealed (stamped) by a Colorado registered professional engineer
- D. Acceptable to CDOT prior to any construction within the right-of-way
- E. Presented in a manner that provides a method of handling traffic (MHT) for each different phase of construction. The MHT will describe proposed construction phasing and will include dimensioned diagrams of work zone elements.

The final traffic control plan must be submitted a minimum of three working days in advance of construction. Such plans may be revised as necessary with CDOT concurrence.

3) **Insurance Liability Certification**

The Applicant or contractor shall be required to provide a comprehensive general liability and property damage insurance naming CDOT as an additional insured party, in the amounts of not less than \$1,000,000 per occurrence and automobile liability insurance of \$1,000,000 combined single limit bodily injury and property damage for each accident, during the period of access construction.

4) **Complete Construction Plans**

The Applicant shall provide two copies of 11" x 17" construction plans and specifications for the proposed improvements. The plans shall:

- A. Address, as applicable, geometry, drainage, striping, signing, and signalization
- B. Include, but not limited to, layout of the access, highway improvements, utility locations, present and proposed drainage, present and proposed right-of-way lines, present and proposed traffic control devices, and clear zone analysis
- C. Sealed by a Colorado Professional Engineer in accordance with CRS 12-25-117
- D. Conform to the requirement of the permit terms and conditions
- E. If applicable, include the following statement on the cover page of the plans: "This design is in full compliance with Section 4 of the State Highway Access Code, 2 CCR 601-1 except for the following approved design waivers:"

Feel free to contact me with any questions you might have.

Respectfully,

Dan Roussin  
Region 3 Access Manager

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<b>COLORADO DEPARTMENT OF TRANSPORTATION STATE HIGHWAY ACCESS PERMIT</b>			CDOT Permit No. <b>309040</b>
PD KUJ			State Highway No/Mp/Side 006 D / 109.800 / L
Permit fee \$100.00	Date of transmittal 7/7/2009	Region/Section/Patrol 3 / 02 / 10-2 Nikki Brown	Local Jurisdiction Garfield County

<b>The Permittee(s);</b> Roc & Mary Gabossi 44523 Highway 6 Glenwood Springs, CO 81601 970-379-0780	<b>Date of transmittal</b> JUL 14 2009 <b>TRAFFIC</b>	<b>Applicant:</b> John Taufer PO Box 2271 Glenwood Springs, CO 81602 970-945-1337	<b>Ref No.:</b>
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is hereby granted permission to have an access to the state highway at the location noted below. The access shall be constructed, maintained and used in accordance with this permit, including the State Highway Access Code and any attachments, terms, conditions and exhibits. This permit may be revoked by the issuing authority if at any time the permitted access and its use violate any parts of this permit. The issuing authority, the Department and their duly appointed agents and employees shall be held harmless against any action for personal injury or property damage sustained by reason of the exercise of the permit.

Location: Located on the north side of Hwy 006, a distance of 1050 feet west of mm 110.

<b>Access to Provide Service to:</b>	<b>(Land Use Code):</b>	<b>(Size or Count)</b>	<b>(Units)</b>
210 - Single-Family Detached Housing (4 units) w/ADU		8	DHV

**Additional Information:**  
This access will be for Lot 1-4 of the Old Orchard Subdivision.  
ADU - Accessory Dwelling Units

**MUNICIPALITY OR COUNTY APPROVAL**  
Required only when the appropriate local authority retains issuing authority.

Signature	Print Name	Title	Date
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Upon the signing of this permit the permittee agrees to the terms and conditions and referenced attachments contained herein. All construction shall be completed in an expeditious and safe manner and shall be finished within 45 days from initiation. The permitted access shall be completed in accordance with the terms and conditions of the permit prior to being used.

The permittee shall notify D'Wayne Gaymon with the Colorado Department of Transportation in Grand Junction, Colorado at (970) 683-3355, at least 48 hours prior to commencing construction within the State Highway right-of-way.

The person signing as the permittee must be the owner or legal representative of the property served by the permitted access and have full authority to accept the permit and its terms and conditions.

Permittee Signature 	Print Name Roc A. Gabossi	Date 7-13-09
-------------------------	------------------------------	-----------------

This permit is not valid until signed by a duly authorized representative of the Department.  
**COLORADO DEPARTMENT OF TRANSPORTATION**

Signature 	Print Name Daniel Roussin	Title Permit Manager	Date (of issue) 7/14/09
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The following paragraphs are excerpts of the State Highway Access Code. These are provided for your convenience but do not alleviate compliance with all sections of the Access Code. A copy of the State Highway Access Code is available from your local issuing authority (local government) or the Colorado Department of Transportation (Department). When this permit was issued, the issuing authority made its decision based in part on information submitted by the applicant, on the access category which is assigned to the highway, what alternative access to other public roads and streets is available, and safety and design standards. Changes in use or design not approved by the permit or the issuing authority may cause the revocation or suspension of the permit.

#### APPEALS

1. Should the permittee or applicant object to the denial of a permit application by the Department or object to any of the terms or conditions of a permit placed there by the Department, the applicant and permittee (appellant) have a right to appeal the decision to the [Transportation] Commission [of Colorado]. To appeal a decision, submit a request for administrative hearing to the Transportation Commission of Colorado within 60 days of transmittal of notice of denial or transmittal of the permit for signature. Submit the request to the Transportation Commission of Colorado, 4201 East Arkansas Avenue, Denver, Colorado 80222-3400. The request shall include reasons for the appeal and may include changes, revisions, or conditions that would be acceptable to the permittee or applicant.

2. Any appeal by the applicant or permittee of action by a local issuing authority shall be filed with the local authority and be consistent with the appeal procedures of the local authority.

3. In submitting the request for administrative hearing, the appellant has the option of including within the appeal a request for a review by the Department's internal administrative review committee pursuant to [Code] subsection 2.10. When such committee review is requested, processing of the appeal for formal administrative hearing, 2.9(5) and (6), shall be suspended until the appellant notifies the Commission to proceed with the administrative hearing, or the appellant submits a request to the Commission or the administrative law judge to withdraw the appeal. The two administrative processes, the internal administrative review committee, and the administrative hearing, may not run concurrently.

4. Regardless of any communications, meetings, administrative reviews or negotiations with the Department or the internal administrative review Committee regarding revisions or objections to the permit or a denial, if the permittee or applicant wishes to appeal the Department's decision to the Commission for a hearing, the appeal must be brought to the Commission within 60 days of transmittal of notice of denial or transmittal of the permit.

#### PERMIT EXPIRATION

1. A permit shall be considered expired if the access is not under construction within one year of the permit issue date or before the expiration of any authorized extension. When the permittee is unable to commence construction within one year after the permit issue date, the permittee may request a one year extension from the issuing authority. No more than two one-year extensions may be granted under any circumstances. If the access is not under construction within three years from date of issue the permit will be considered expired. Any request for an extension must be in writing and submitted to the issuing authority before the permit expires. The request should state the reasons why the extension is necessary, when construction is anticipated, and include a copy of page 1 (face of permit) of the access permit. Extension approvals shall be in writing. The local issuing authority shall obtain the concurrence of the Department prior to the approval of an extension, and shall notify the Department of all denied extensions within ten days. Any person wishing to reestablish an access permit that has expired may begin again with the application procedures. An approved Notice to Proceed, automatically renews the access permit for the period of the Notice to Proceed.

#### CONSTRUCTION

1. Construction may not begin until a Notice to Proceed is approved. (Code subsection 2.4)

2. The construction of the access and its appurtenances as required by the terms and conditions of the permit shall be completed at the expense of the permittee except as provided in subsection 2.14. All materials used in the construction of the access within the highway right-of-way or on permanent easements, become public property. Any materials removed from the highway right-of-way will be disposed of only as directed by the Department. All fencing, guard rail, traffic control devices and other equipment and materials removed in the course of access construction shall be given to the Department unless otherwise instructed by the permit or the Department inspector.

3. The permittee shall notify the individual or the office specified on the permit or Notice to Proceed at least two working days prior to any construction within state highway right-of-way. Construction of the access shall not proceed until both the access permit and the Notice to Proceed are issued. The access shall be completed in an expeditious and safe manner and shall be finished within 45 days from initiation of construction within the highway right-of-way. A construction time extension not to exceed 30 working days may be requested from the individual or office specified on the permit.

4. The issuing authority and the Department may inspect the access during construction and upon completion of the access to ensure that all terms and conditions of the permit are met. Inspectors are authorized to enforce the conditions of the permit during construction and to halt any activities within state right-of-way that do not comply with the provisions of the permit, that conflict with concurrent highway construction or maintenance work, that endanger

State Highway Access Permit  
Form 101, Page 3

highway property, natural or cultural resources protected by law, or the health and safety of workers or the public.

5. Prior to using the access, the permittee is required to complete the construction according to the terms and conditions of the permit. Failure by the permittee to abide by all permit terms and conditions shall be sufficient cause for the Department or issuing authority to initiate action to suspend or revoke the permit and close the access. If in the determination of the Department or issuing authority the failure to comply with or complete the construction requirements of the permit create a highway safety hazard, such shall be sufficient cause for the summary suspension of the permit. If the permittee wishes to use the access prior to completion, arrangements must be approved by the issuing authority and Department and included in the permit. The Department or issuing authority may order a halt to any unauthorized use of the access pursuant to statutory and regulatory powers. Reconstruction or improvement of the access may be required when the permittee has failed to meet required specifications of design or materials. If any construction element fails within two years due to improper construction or material specifications, the permittee shall be responsible for all repairs. Failure to make such repairs may result in suspension of the permit and closure of the access.

6. The permittee shall provide construction traffic control devices at all times during access construction, in conformance with the M.U.T.C.D. as required by section 42-4-104, C.R.S., as amended.

7. A utility permit shall be obtained for any utility work within highway right-of-way. Where necessary to remove, relocate, or repair a traffic control device or public or private utilities for the construction of a permitted access, the relocation, removal or repair shall be accomplished by the permittee without cost to the Department or issuing authority, and at the direction of the Department or utility company. Any damage to the state highway or other public right-of-way beyond that which is allowed in the permit shall be repaired immediately. The permittee is responsible for the repair of any utility damaged in the course of access construction, reconstruction or repair.

8. In the event it becomes necessary to remove any right-of-way fence, the posts on either side of the access shall be securely braced with an approved end post before the fence is cut to prevent any slacking of the remaining fence. All posts and wire removed are Department property and shall be turned over to a representative of the Department.

9. The permittee shall ensure that a copy of the permit is available for review at the construction site at all times. The permit may require the contractor to notify the individual or office specified on the permit at any specified phases in construction to allow the field inspector to inspect various aspects of construction such as concrete forms, subbase, base course compaction, and materials specifications. Minor changes and additions may be ordered by the Department or local authority field inspector to meet unanticipated site conditions.

10. Each access shall be constructed in a manner that shall not cause water to enter onto the roadway or shoulder, and shall not interfere with the existing drainage system on the right-of-way or any adopted municipal system and drainage plan.

11. The Permittee is responsible for obtaining any necessary additional Federal, State and/or City/County permits

or clearances required for construction of the access. Issuance of this access permit does not constitute verification of the above required actions by the Permittee.

By accepting the permit, the permittee stipulates and agrees to fully protect, save, defend, indemnify, and hold harmless, to the extent allowed by law, the issuing Authority, and each of the Authority's directors, officers, employees, agents and representatives, from and against any and all claims, costs (including but not limited to all reasonable fees and charges of engineers, architects, attorneys, and other professionals or expert witnesses and all court or other dispute resolution costs directly incurred by reason of claims directly brought against the Authority), losses, damages, pre- or post-judgment interest, causes of action, suits, or liability of any nature whatsoever by reason of liability imposed due to Permittee's failure to obtain, or disregard of, any applicable federal, state or local environmental permits, approvals, authorizations, or clearances, or in meeting or complying with any applicable federal, state or local environmental law, regulation, condition or requirements in connection with any activities authorized by this Access Permit.

#### CHANGES IN ACCESS USE AND PERMIT VIOLATIONS

1. It is the responsibility of the property owner and permittee to ensure that the use of the access to the property is not in violation of the Code, permit terms and conditions or the Act. The terms and conditions of any permit are binding upon all assigns, successors-in-interest, heirs and occupants. If any significant changes are made or will be made in the use of the property which will affect access operation, traffic volume and or vehicle type, the permittee or property owner shall contact the local issuing authority or the Department to determine if a new access permit and modifications to the access are required.

2. When an access is constructed or used in violation of the Code, section 43-2-147(5)(c), C.R.S., of the Act applies. The Department or issuing authority may summarily suspend an access permit and immediately order closure of the access when its continued use presents an immediate threat to public health, welfare or safety. Summary suspension shall comply with article 4 of title 24, C.R.S.

#### MAINTENANCE

1. The permittee, his or her heirs, successors-in-interest, assigns, and occupants of the property serviced by the access shall be responsible for meeting the terms and conditions of the permit, the repair and maintenance of the access beyond the edge of the roadway including any cattle guard and gate, and the removal or clearance of snow or ice upon the access even though deposited on the access in the course of Department snow removal operations. Within unincorporated areas the Department will keep access culverts clean as part of maintenance of the highway drainage system. However, the permittee is responsible for the repair and replacement of any access-related culverts within the right-of-way. Within incorporated areas, drainage responsibilities for municipalities are determined by statute and local ordinance. The Department will maintain the roadway including auxiliary lanes and shoulders, except in those cases where the access installation has failed due to improper access construction and/or failure to follow permit requirements and specifications in which case the permittee shall be responsible for such repair. Any significant repairs such as culvert replacement, resurfacing, or changes in design or specifications, requires authorization from the Department.

**STATE HIGHWAY ACCESS PERMIT 309040**

July 7, 2009

Located on the north side of Hwy 006D at mile post 109.800  
Issued to Roc Gabossi

**TERMS AND CONDITIONS**

1. This permitted access is only for the use and purpose stated in the Application and Permit. This Permit is issued in accordance with the State Highway Access Code (2 CCR 601-1), and is based in part upon the information submitted by the Permittee. Any subsequent relocation, reconstruction, or modifications to the access or changes in the traffic volume or traffic nature using the access shall be requested for by means of a new application. Any changes causing non-compliance with the Access Code may render this permit void, requiring a new permit.
2. The access is for all lots of the Old Orchard Subdivision (Lots 1-4).
3. The existing access (mp 109.96) for Lot 1 (44523 Highway 6) shall remain until the Lot 1 either re-develops or if Lot 1 subdivides then the existing access shall close to Lot 1 and use the mp 109.8 access point.
4. If Lot 2-4 re-develops into a commercial property then existing access (mp 109.96) to Lot 1 shall be removed and restored to its original condition.
5. The permittee shall close an existing residential access which is 240 feet west of the existing residential driveway (Lot 1). The permittee shall remove the gate and replace the gate with a fence section and restore the drainage at the expense of the permittee.
6. This permit replaces any and all additional access permits that may be in existence.
7. This access shall be constructed 16-25 feet wide with turning radii to accommodate the minimum turning radius of the largest vehicle or 35 feet, whichever is greater.
8. An 18-inch minimum culvert with protective end treatments shall be required for this access. The culvert shall be kept free of blockage to maintain proper flow and drainage.
9. The access shall be constructed perpendicular to the travel lanes of the State Highway for a minimum distance of 40 feet from the edge of roadway. Side slopes shall be at a 4:1 slope on the roadway. The roadway shall slope away from the highway at a -2% grade for the first 20 feet of driveway. This design shall be in conformance with section 4 of the State Highway Access Code, 2CCR 601-1.
10. Materials, Placing and Compaction of Driveway: Unless the Applicant has approval from the Access Manager which may state otherwise, the following will be required for driveway construction: Sub-Base: 12 inches of Class 3 gravel in two 6-inch lifts, Base: 12 inches of class 6 gravel in two 6-inch lifts, Surface: 4 inches of Pavement in two 2 inch lifts. Compaction of the subgrade, embankments and backfill shall comply with section 203.08 of the Colorado Highway Standard Specifications for Road and Bridge Construction.
11. The access shall be surfaced in accordance with Section 4.7 of the Access Code immediately upon completion of earthwork construction and prior to use. This access shall be hard surfaced in accordance with Section 4.7 of the Access Code a minimum distance of 20 feet from the traveled way or to the CDOT Right-of-Way. Where the hard surface is to abut existing pavement, the existing pavement shall be saw cut and removed a minimum of one foot back from the existing edge for bituminous, or until an acceptable existing cross slope is achieved. Surfacing shall meet the Department's specifications with minimum surfacing to be equal to or greater than existing highway conditions.

**STATE HIGHWAY ACCESS PERMIT 309040**

Located on the north side of Hwy 006D at mile post 109.800  
Issued to Roc Gabossi

**July 7, 2009**

12. A Notice to Proceed, CDOT Form 1265, is required before beginning construction on the access or any activity within the highway Right-of-Way. To receive the Notice to Proceed the Applicant shall submit a complete packet to CDOT with the following items:
  - (a) A cover letter requesting a Notice to Proceed, and the intended date to begin construction.
  - (b) Construction Plans Stamped (11"x 17" with a minimum scale of 1" = 50') by a Colorado Registered Professional Engineer in full compliance with the State Highway Access Code. The plan shall provide:
    - i) Plan view with driveway dimensions - turn radius, width, slope, gates, etc.
    - ii) Typical road section - existing and proposed sub base, base, pavement, and shoulder dimensions.
    - iii) Centerline profile of the access/Hwy connection showing depths, driveway slope, etc.
  - (c) Certificate of Insurance Liability as per Section 2.3(11)(i) of the State Highway Access Code.
  - (d) A certified Traffic Control Plan in accordance with Section 2.4(6) of the Access Code. The Traffic Control Plan shall provide accessibility features to accommodate all pedestrians including persons with disabilities for all pathways during construction.
13. No drainage from this site shall enter onto the State Highway travel lanes. The Permittee is required to maintain all drainage in excess of historical flows and time of concentration on site. All existing drainage structures shall be extended, modified or upgraded, as applicable, to accommodate all new construction and safety standards, in accordance with the Department's standard specifications.
14. Open cuts, which are at least 4 inches in depth, within 30 feet of the edge of the State Highway traveled way, will not be left open at night, on weekends, or on holidays, or shall be protected with a suitable barrier per State and Federal Standards.
15. Nothing in this permit shall prohibit the Chief Engineer from exercising the right granted in CRS 43-3-102 including but not limited to restricting left hand turns by construction of physical medial separations.
16. The Permittee is responsible for obtaining any necessary additional Federal, State and/or City/County permits or clearances required for construction of the access. Approval of this access permit does not constitute verification of this action by the Permittee. Permittee is also responsible for obtaining all necessary utility permits in addition to this access permit.
17. All workers within the State Highway right of way shall comply with their employer's safety and health policies/procedures, and all applicable U.S. Occupational Safety and Health Administration (OSHA) regulations - including, but not limited to the applicable sections of 29 CFR Part 1910 - Occupational Safety and Health Standards and 29 CFR Part 1926 - Safety and Health Regulations for Construction. Personal protective equipment (e.g. head protection, footwear, high visibility apparel, safety glasses, hearing protection, respirators, gloves, etc.) shall be worn as appropriate for the work being performed, and as specified in regulation.
18. The Permittee shall provide accessibility features to accommodate all pedestrians including persons with disabilities for all pathways during and after construction.
19. The Permittee is required to comply with the Americans with Disabilities Act Accessibility Guidelines (ADAAG) that have been adopted by the U.S. Architectural and Transportation

**STATE HIGHWAY ACCESS PERMIT 309040**

July 7, 2009

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Barriers Compliance Board (Access Board), and incorporated by the U.S. Attorney General as a federal standard. These guidelines are defining traversable slope requirements and prescribing the use of a defined pattern of truncated domes as detectable warnings at street crossings. The new Standards Plans and can be found on the Design and Construction Project Support web page at: <http://www.dot.state.co.us/DesignSupport/>, then click on *Design Bulletins*.

20. When it is necessary to remove any highway right-of-way fence, the posts on either side of the access entrance shall be securely braced with approved end posts and in conformance with the Department's M-607-1 standard, before the fence is cut, to prevent slacking of the remaining fence. All materials removed shall be returned to the Department.
21. It shall be the responsibility of the Permittee to maintain adequate sight distance for this driveway. Trimming of vegetation or trees to maintain adequate sight distance is the sole responsibility of the Permittee.
22. Any damage to present highway facilities including traffic control devices shall be repaired immediately at no cost to the Department and prior to continuing other work.
23. During access construction no construction personnel vehicles will be permitted to park in the state highway right-of-way.
24. If the access has a gate across it, the gate shall be set back far enough from the highway so that the longest vehicle using it can clear the roadway when the gate is closed.
25. Any mud or other material tracked or otherwise deposited on the roadway shall be removed daily or as ordered by the Department Inspector. If mud is an obvious condition during site construction, it is recommended that the contractor build a Stabilized Construction Entrance or Scrubber Pad at the intended construction access to aid in the removal of mud and debris from vehicle tires. The details of the Stabilized Construction Entrance can be found in the M & S Standards Plan No. M-208-1.
26. A fully executed, complete copy of this permit and the Notice to Proceed must be on the job site with the contractor at all times during the construction. Failure to comply with this or any other construction requirement may result in the immediate suspension of work by order of the Department inspector or the issuing authority.
27. No work will be allowed at night, Saturdays, Sundays and legal holidays without prior authorization from the Department. The Department may also restrict work within the State Highway right-of-way during adverse weather conditions.
28. The access shall be completed in an expeditious and safe manner and shall be completed within 45 days from initiation of construction within State Highway right-of-way or in accordance with written concurrence of the Access Manager. All construction shall be completed in a single season.
29. All costs associated with any type of utility work will be at the sole responsibility and cost of the Permittee and at no cost to CDOT.
30. Areas of roadway and/or right-of-way disturbed during this installation shall be restored to their original conditions to insure proper strength and stability, drainage and erosion control. Restoration shall meet the Department's standard specifications for topsoil, fertilization, mulching, and re-seeding.

**STATE HIGHWAY ACCESS PERMIT 309040**

Located on the north side of Hwy 006D at mile post 109.800  
Issued to Roc Gabossi

**July 7, 2009**

31. Upon the completion of the access and prior to any use as allowed by this permit, the Applicant shall notify the Access Manager by certified mail within 10 days to request a final inspection. This request shall include certification that all materials and construction have been completed in accordance with all applicable Department Standards and Specifications; and that the access is constructed in conformance with the State Highway Access Code, 2 CCR 601-1, including this permit. The Engineer of Record as indicated on the construction plans, shall be present for this inspection. The access serviced by this permit may not be opened to traffic until written approval has been given from the CDOT Access Manager.

## COLORADO DEPARTMENT OF TRANSPORTATION Environmental Clearances Information Summary

**PURPOSE** - This summary is intended to inform entities external to CDOT that may be entering the state highway right-of-way to perform work related to their own facilities (such as Utility, Special Use or Access Permittees), about some of the more commonly encountered environmental permits/clearances that may apply to their activities. This listing is not all-inclusive - additional environmental or cultural resource permits/clearances may be required in certain instances. Appropriate local, state and federal agencies should be contacted for additional information if there is any uncertainty about what permits/clearances are required for a specific activity. **IMPORTANT - Please Review The Following Information Carefully - Failure to Comply With Regulatory Requirements May Result In Suspension or Revocation of Your CDOT Permit, Or Enforcement Actions By Other Agencies**

**CLEARANCE CONTACTS** - As indicated in the permit/clearance descriptions listed below, the following individuals or agencies may be contacted for additional information:

- Colorado Department of Public Health and Environment (CDPHE) - General Information - (303) 692-2035  
Water Quality Control Division (WQCD) (303) 692-3500  
Environmental Permitting Website <http://www.cdphe.state.co.us/permits.asp>.
- CDOT Water Quality Program Manager; Rick Willard (303) 757-9343
- CDOT Asbestos Project Manager; Julia Horn (303) 512-5519
- Colorado Office of Archaeology and Historic Preservation: (303) 866-3395
- U.S. Army Corps of Engineers, District Regulatory Offices  
Omaha District (NE Colorado), Denver Office (303) 979-4120 <http://www.nwo.usace.army.mil/html/od-ll/tri-lakes.html>  
Sacramento Dist. (Western CO), Grand Junction Office (970) 243-1199 <http://www.spk.usace.army.mil/cespk-co/regulatory/>  
Albuquerque District (SE Colorado), Pueblo Reg. Office (719)-543-6915 <http://www.spa.usace.army.mil/reg/>
- CDOT Utilities, Special Use and Access Permitting: (303) 757-9654 <http://www.dot.state.co.us/Permits/>

**Ecological Resources** - Disturbance of wildlife shall be avoided to the maximum extent practicable. Entry into areas of known or suspected threatened or endangered species habitat will require special authorization from the CDOT permitting office. If any threatened or endangered species are encountered during the progress of the permitted work, work in the subject area shall be halted and the CDOT Regional Permitting Office and Regional Planning and Environmental Manager shall be contacted immediately. Authorization must be provided by CDOT prior to the continuation of work. Information about threatened or endangered species may be obtained from the CDOT website <http://www.dot.state.co.us/environmental/Wildlife/Guidelines.asp>, or the Colorado Division of Wildlife website <http://wildlife.state.co.us/WildlifeSpecies/SpeciesOfConcern/>. Additional guidance may be provided by the Regional Permitting Office in the Permit Special Provisions.

**Cultural Resources** - The applicant must request a file search of the permit area (through the Colorado Office of Archaeology and Historic Preservation (OAHP), Denver, to ascertain if historic or archaeological resources have previously been identified. Inventory of the permit area by a qualified cultural resources specialist may be necessary, per the recommendation of OAHP and/or CDOT. If archaeological or historical artifacts are encountered during the progress of the permitted work, work in the subject area shall be halted and the CDOT Regional Permitting Office and Regional Planning and Environmental Manager shall be contacted immediately. Authorization must be provided by CDOT prior to the continuation of work. Additional guidance may be provided by the Regional Permitting Office in the Permit Special Provisions. **Contact Information** Contact the OAHP at (303) 866-3395.

**General Prohibition - Discharges** - All discharges are subject to the provisions of the Colorado Water Quality Control Act and the Colorado Discharge Permit Regulations. Prohibited discharges include substances such as wash water, paint, automotive fluids, solvents, oils or soaps. **Contact Information:** Contact the CDOT Water Quality Program Manager at (303) 757-9343, or the Colorado Department of Public Health and Environment, Water Quality Control Division (WQCD) at (303) 692-3500.

**General Authorization - Allowable Non-Stormwater Discharges** - Unless otherwise identified by CDOT or the WQCD as significant sources of pollutants to the waters of the State, the following discharges to stormwater systems are allowed without a Colorado Discharge Permit System permit: landscape irrigation, diverted stream flows, uncontaminated ground water infiltration to separate storm sewers, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, footing drains; water line flushing, flows from riparian habitats and wetlands, and flow from fire fighting activities. **Contact Information:** The CDOT Water Quality Program Manager or the CDPHE Water Quality Control Division (telephone #'s listed above).

**Hazardous Materials, Solid Waste** - The Solid Wastes Disposal Sites and Facilities Act C.R.S. 30-20-100, et al, and Regulations Pertaining to Solid Waste Disposal Sites and Facilities (6 CCR 1007-2), prohibit solid waste disposal without an approved Certificate of Designation (a landfill permit). The Colorado Hazardous Waste Act C.R.S. 25-15-301 et al, and the Colorado Hazardous Waste Regulations (6 CCR 1007-3) prohibit the transfer, storage or disposal (TSD) of hazardous waste except at permitted TSD sites. There are no permitted landfills or TSD sites within the State Highway Right of Way. Therefore, all solid or hazardous wastes that might be generated by the activities of entities entering the State Highway Right of Way must be removed from the ROW and disposed of at a permitted facility or designated collection point (e.g., for solid waste, a utility or construction company's own dumpster). If pre-existing solid waste or hazardous materials contamination (including oil or gasoline contaminated soil, asbestos, chemicals, mine tailings, etc.) is encountered during the performance of work, the permittee shall halt work in the affected area and immediately contact the CDOT Regional Permitting Office for direction as to how to proceed. **Contact Info:** Contact the CDOT/CDPHE Liaison at (303)757-9787.



**Asbestos Containing Materials, Asbestos Contaminated Soil** – All work on asbestos containing materials (ACM) must comply with the applicable requirements of the CDPHE Air Pollution Control Division's (APCD) Regulation 8. Disposal of ACM, and work done in asbestos-contaminated soil, must comply with the CDHPE Hazardous Materials and Waste Management Division's (HMWMD) Solid Waste Regulations. The application for any CDOT permit must specifically identify any ACM involved in the work for which authorization is being requested. Additional guidance or requirements may be specified in the permit special provisions. **Contact Info:** CDPHE APCD and HMWMD Regulations can be accessed via the CDPHE Environmental Permitting Website listed above. Additional information concerning clearance on CDOT projects is available from Julia Horn, CDOT Asbestos Project Manager (303) 512-5519, or Theresa Santangelo-Dreiling, Property Management Supervisor (303) 512-5524.

**Construction Stormwater Permit: Stormwater Discharge From Industrial Facilities** - Discharges of stormwater runoff from construction sites disturbing one acre or more - or certain types of industrial facilities - requires a CDPS Stormwater Permit. **Contact Information:** For Utility/Special Use activities being performed in conjunction and coordination with a CDOT highway construction contract, please contact the CDOT Water Quality Program Manager at (303) 757-9343. Otherwise, contact the CDPHE Water Quality Control Division at (303) 692-3500. Website: <http://www.cdphs.state.co.us/wq/PermitsUnit/wqcdpmt.html>

**Construction Dewatering (Discharge or Infiltration)** – Discharges of water encountered during excavation or work in wet areas may require a Construction Dewatering Discharge Permit. **Contact Information:** For Construction Dewatering Discharge Permits, contact the CDPHE WQCD at (303) 692-3500. Website: <http://www.cdphs.state.co.us/wq/PermitsUnit/wqcdpmt.html>

**Minimal Industrial Discharge Permit** – Discharges of small quantities of wastewater or wastewater requiring minimal treatment, such as that resulting from hydrostatic testing or certain wash waters, may require a Minimal Industrial Discharge Permit ("MINDI"). **Contact Info:** Contact the CDPHE WQCD at (303) 692-3500. Website: <http://www.cdphs.state.co.us/wq/PermitsUnit/wqcdpmt.html>

**Municipal Separate Storm Sewer System (MS4) Discharge Permit** – Discharges from the storm sewer systems of larger municipalities, and from the CDOT highway drainage system that lies within those municipalities, are subject to MS4 Permits issued by the CDPHE WQCD. For facilities that lie within the boundaries of a municipality that is subject to a MS4 permit, the owner of such facility should contact the municipality regarding stormwater related clearances that may have been established under that municipality's MS4 permit. All discharges to the CDOT highway drainage system must comply with the applicable provisions of the Colorado Water Quality Control Act and the Colorado Discharge Permit Regulations, and are subject to inspection by the CDOT and the CDHPE. **Contact Information:** Contact the CDPHE Water Quality Control Division at (303) 692-3500 for a listing of municipalities required to obtain MS-4 Permits, or go to <http://www.cdphs.state.co.us/wq/PermitsUnit/wqcdpmt.html#MunicipalFormsGuidance>.

**Discharge of Dredged or Fill Material – 404 Permits Administered By the U.S. Army Corps of Engineers, and Section 401 Water Quality Certifications Issued by the CDPHE WQCD** - Corps of Engineers 404 Permits are required for the discharge of dredged or fill materials into waters of the United States, including wetlands. There are various types of 404 Permits, including Nationwide Permits, which are issued for activities with relatively minor impacts. For example, there is a Nationwide Permit for Utility Line Activities (NWP #12). However, depending upon the specific circumstances, it is possible that either a "General" or "Individual" 404 permit would be required. If an Individual 404 Permit is required, Section 401 water quality certification from the CDPHE WQCD is also required. **Contact Information:** Contact the appropriate Corps District Regulatory Office for information about what type of 404 permit may be required (information provided at top of ECIS). Contact the CDPHE Water Quality Control Division at (303) 692-3500.

**Erosion and Sediment Control Practices** - For activities requiring a Construction Stormwater Permit, erosion control requirements will be specified through that permit. In those situations where a stormwater permit is not required, all reasonable measures should be taken in order to minimize erosion and sedimentation. In either case, the CDOT Stormwater Quality and Erosion Control Guide (2002) should be used to design erosion controls. **Contact Information:** The CDOT Stormwater Quality and Erosion Control Guide may be obtained from the Bid Plans Office at (303) 757-9313 or from: <http://www.dot.state.co.us/environmental/envWaterQual/wqms4.asp>

**Disposal of Drilling Fluids** - Drilling fluids used in operations such as Horizontal Directional Drilling may be classified as "discharges" or "solid wastes", and in general, should be pumped or vacuumed from the construction area, removed from the State Highway Right of Way, and disposed of at permitted facilities that specifically accept such wastes. Disposal of drilling fluids into storm drains, storm sewers, roadside ditches or any other type of man-made or natural waterway is prohibited by Water Quality Control and/or Solid Waste regulations. Small quantities of drilling fluid solids (less than 1 cubic yard of solids) may be left on-site after either being separated from fluids or after infiltration of the water, provided: 1) the drilling fluid consists of only water and bentonite clay, or, if required for proper drilling properties, small quantities of polymer additives that are approved for use in drinking water well drilling; 2) the solids are fully contained in a pit, and are not likely to pose a nuisance to future work in the area, 3) the solids are covered and the area restored as required by CDOT permit requirements (Utility, Special Use, or Access Permits, etc.). **Contact Information:** Contact the CDOT / CDPHE Liaison or CDOT Water Quality Program Manager.

**Concrete Washout** - Waste generated from concrete activities shall NOT be allowed to flow into the drainage ways, inlets, receiving waters, or in the CDOT ROW. Concrete waste shall be placed in a temporary concrete washout facility. Concrete washout shall only be performed as specified by the CDOT Environmental Program and shall be in accordance to CDOT specifications and guidelines. **Contact Information:** Contact the CDOT Water Quality Program Manager at (303) 757-9343.

**Spill Reporting** - Spills shall be contained and cleaned up as soon as possible. Spills shall NOT be washed down into the storm drain or buried. All spills shall be reported to the CDOT Illicit Discharge Hotline at (303) 512-4446 (4H20), as well as the Regional Permitting Office and Regional Maintenance Supervisor. Spills on highways, into waterways, or that may otherwise present an

immediate danger to the public shall be reported by calling 911, and shall also be reported to the CDPHE at 1-(877)-518-6608.

**Transportation of Hazardous Materials** - No person may offer or accept a hazardous material for transportation in commerce unless that person is registered in conformance with the United States Department of Transportation regulations at 49 CFR, Part 171. The hazardous material must be properly classed, described, packaged, marked, labeled, and in condition for shipment as required or authorized by applicable requirements, or an exemption, approval or registration has been issued. Vehicles requiring a placard, must obtain authorization and a State HAZMAT Permit from the Colorado Public Utilities Commission. **Contact Information:** For authorization and more info call the Federal Motor Safety Carrier Administration, US DOT for inter- and intra-state HAZMAT Registration (303) 968-6748. Colorado Public Utilities Commission: (303) 894-2868.

**Paleontology** - The applicant must request a fossil locality file search through the University of Colorado Museum, Boulder, and the Denver Museum of Nature and Science to ascertain if paleontological resources have been previously identified. Inventory of the permit area by a qualified paleontologist may be necessary, per the recommendation of CDOT. If fossils are encountered during the permitted work, all work in the subject area shall be halted and the CDOT Regional Permitting Office and Regional Planning and Environmental Manager shall be contacted immediately. Authorization must be provided by CDOT prior to the continuation of work. Additional guidance may be provided by the Regional Permitting Office in the Permit Special Provisions. **Contact Information:** Contact the CDOT Paleontologist at (303) 757-9632.

**Working on or in any stream or its bank** - In order to protect and preserve the state's fish and wildlife resources from actions that may obstruct, diminish, destroy, change, modify, or vary a natural existing stream or its banks or tributaries, it may be necessary to obtain a Senate Bill 40 certification from the Colorado Department of Natural Resources. A stream is defined as 1) represented by a solid blue line on USGS 7.5' quadrangle maps; and/or 2) intermittent streams providing live water beneficial to fish and wildlife; and/or 3) segments of streams supporting 25% or more cover within 100 yards upstream or downstream of the project; and/or 4) segments of streams having wetlands present within 200 yards upstream or downstream of the project. The Colorado Division of Wildlife (CDOW) application, as per guidelines agreed upon by CDOT and CDOW, can be accessed at [www.dot.state.co.us/environmental/wildlife/permitapplication.asp](http://www.dot.state.co.us/environmental/wildlife/permitapplication.asp).

**About This Form** - Questions or comments about this Information Summary may be directed to Dahir Egal, CDOT Safety & Traffic Engineering, Utilities Unit, at (303) 757-9344, [dahir.egal@dot.state.co.us](mailto:dahir.egal@dot.state.co.us)

# Gabossi Access MP 109.8 US Highway 6

Engineer's Opinion of Probable Cost

Date: August 10, 2009

US 6 MP 109.80  
Driveway Construction

Schmueser Gordon Meyer Inc.

<u>Item No.</u>	<u>Est. Qty</u>	<u>Unit</u>	<u>Description</u>	<u>Unit Price</u>	<u>Total</u>
	1.0	L.S.	Clear and Grub	\$1,000.00	\$1,000.00
	1.0	Each	Reset Delineator	\$10.00	\$10.00
	20.0	S.Y.	Remove Existing Asphalt Mat (2" Milling)	\$5.00	\$100.00
	34.0	L.F.	Remove Culvert	\$3.00	\$102.00
	105.0	C.Y.	Unclassified Excavation	\$10.00	\$1,050.00
	15.0	L.F.	Fence	\$25.00	\$375.00
	4.0	Hour	Laborer	\$55.00	\$220.00
	26.0	C.Y.	Topsoil, 4" depth	\$1.50	\$39.00
	10.0	Each	Erosion Bales (Weed Free)	\$20.00	\$200.00
	2.0	Each	Landscape Boulder	\$150.00	\$300.00
	1.0	L.S.	Erosion Control Supervisor	\$5,000.00	\$5,000.00
	0.1	Acre	Seeding (Native)	\$5,500.00	\$275.00
	26.0	C.Y.	Soil Preparation	\$10.00	\$260.00
	0.1	Acre	Mulching (Weed Free Hay)	\$400.00	\$20.00
	10.0	LB	Mulch Tackifier (100 Lb/Acre)	\$2.00	\$20.00
	95.0	Ton	Aggregate Base Course (Class 3)	\$20.00	\$1,900.00
	94.0	Ton	Aggregate Base Course (Class 6)	\$25.00	\$2,350.00
	31.0	Ton	Hot Mix Asphalt (Grading SX) (100) (PG 64-22)	\$65.00	\$2,015.00
	50.0	L.F.	18 Inch Corrugated Steel Pipe	\$65.00	\$3,250.00
	2.0	Each	18 Inch Steel End Section	\$425.00	\$850.00
	1.0	L.S.	Construction Surveying	\$1,500.00	\$1,500.00
	1.0	L.S.	Mobilization	\$2,000.00	\$2,000.00
	5.0	Hour	Flagging	\$20.00	\$100.00
	10.0	Day	Traffic Control Inspection	\$100.00	\$1,000.00
	10.0	Day	Traffic Control Management	\$200.00	\$2,000.00
	6.3	S.F.	Sign Panel (Class II)	\$20.00	\$125.00
	1.0	Each	Steel Sign Post (2.5 Inch Round) (Slipbase Sc.80) (Post)	\$425.00	\$425.00
	4.0	Each	Construction Traffic Sign	\$75.00	\$300.00
	10.0	Each	Drum Channelizing Device	\$35.00	\$350.00
	1.0	F.A	F/A Minor Contract Revisions	\$1,000.00	\$1,000.00
	1.0	F.A	F/A Quality Incentive Payment	\$0.00	\$0.00

**SUB-TOTAL:** \$28,136.00  
**15% Contingency:** \$4,220.40

NOTE: The estimates contained herein are the opinion of this engineer and are based upon historical information adjusted for unique conditions of this project. As with any cost estimate actual costs may vary due to market conditions.

**TOTAL:** \$32,356.40

PERMITEE GENERAL NOTES

1) ALL MATERIALS, EQUIPMENT, INSTALLATION AND CONSTRUCTION WITHIN THE STATE HIGHWAY ROW SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE FOLLOWING STANDARD REFERENCES AS APPLICABLE:

- A) CDOT MATERIALS MANUAL
- B) CDOT CONSTRUCTION MANUAL
- C) CDOT STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, LATEST EDITION
- D) CDOT STANDARD SPECIAL PROVISIONS, AS APPLICABLE TO PROJECT
- E) CDOT STANDARD PLANS (M&S STANDARDS)
- F) FHWA MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) FOR STREETS AND HIGHWAYS AND THE COLORADO SUPPLEMENT THERETO
- G) AASHTO ROADSIDE DESIGN GUIDE

PLEASE NOTE THAT SOME OF THE REFERENCE MATERIALS LISTED ABOVE MAY BE PURCHASED FROM:

COLORADO DEPARTMENT OF TRANSPORTATION  
 BID PLANS ROOM  
 4201 E ARKANSAS AVE.  
 DENVER, CO 80222-3400  
 (303) 757-9313

- 2) ACCESS CONSTRUCTION WITHIN THE HIGHWAY ROW AND ALL HIGHWAY IMPROVEMENTS SHALL COMPLY WITH THE ACCESS PERMIT AND NOTICE TO PROCEED (NTP). A COPY OF THAT PERMIT AND NTP SHALL BE AVAILABLE ON THE CONSTRUCTION SITE AT ALL TIMES.
- 3) PERMITEE SHALL DESIGNATE A CERTIFIED TCS TO MANAGE CONSTRUCTION SIGNAGE AND SAFETY OF OPERATIONS DURING ACTIVITIES WITHIN CDOT RIGHT OF WAY. THE TCS SHALL BE AVAILABLE WHENEVER WORK IS IN PROGRESS.
- 4) NO VEHICLES ARE ALLOWED TO PARK IN CDOT RIGHT OF WAY.
- 5) THE ENGINEER OF RECORD IS RESPONSIBLE FOR ALL EROSION CONTROL ELEMENTS.
- 6) ACCESS CONSTRUCTION SHALL NOT NEGATIVELY IMPACT PRIVATE PROPERTY OR THE STATE RIGHT OF WAY.
- 7) THE PERMITEE SHALL COMPLETE ALL WORK IN THE CDOT RIGHT OF WAY WITHIN 45 CALENDAR DAYS AND WITHIN A SINGLE CONSTRUCTION SEASON.

8) IT IS THE RESPONSIBILITY OF THE PERMITEE TO DETERMINE WHICH ENVIRONMENTAL CLEARANCES AND/OR REGULATIONS APPLY TO THE PROJECT, AND TO OBTAIN ANY CLEARANCES THAT ARE REQUIRED DIRECTLY FROM THE APPROPRIATE AGENCY PRIOR TO COMMENCING WORK. PLEASE REFER TO OR REQUEST A COPY OF THE "CDOT ENVIRONMENTAL CLEARANCE INFORMATION SUMMARY" (ECS) FOR DETAILS. THE ECS MAY BE OBTAINED FROM CDOT PLANNING OFFICES OR MAY BE ACCESSED VIA THE CDOT PLANNING/CONSTRUCTION-ENVIRONMENTAL GUIDANCE WEBPAGE AT:

<http://www.dot.state.co.us/AccessPermits/PDF/EnvironClearInfoSummaryAugust2003LiveLinks.pdf>

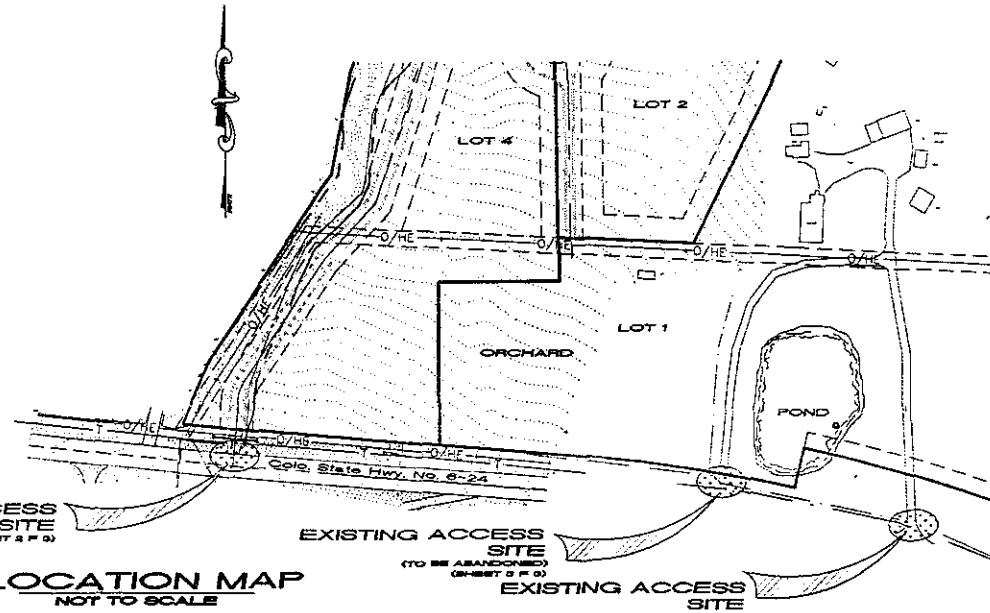
FAILURE TO COMPLY WITH REGULATORY REQUIREMENTS MAY RESULT IN SUSPENSION OR THE REVOCATION OF YOUR CDOT PERMIT, OR ENFORCEMENT ACTIONS BY OTHER AGENCIES.

ALL DISCHARGES ARE SUBJECT TO THE PROVISIONS OF THE COLORADO WATER QUALITY ACT AND THE COLORADO DISCHARGE PERMIT REGULATIONS. PROHIBITED DISCHARGES INCLUDE SUBSTANCES SUCH AS: WASH WATER, PAINT, AUTOMOTIVE FLUIDS, SOLVENTS, OILS AND SOAPS.

UNLESS OTHERWISE IDENTIFIED BY CDOT OR THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT (CDPHE) WATER QUALITY CONTROL DIVISION (WQCD) AS SIGNIFICANT SOURCES OF POLLUTANTS TO THE WATERS OF THE STATE, THE FOLLOWING DISCHARGES TO STORM WATER SYSTEMS ARE ALLOWED WITHOUT A COLORADO DISCHARGE PERMIT SYSTEM PERMIT: LANDSCAPE IRRIGATION, DIVERTED STREAM FLOWS, UNCONTAMINATED GROUND WATER INFILTRATION TO SEPARATE STORM SEWERS, DISCHARGES FROM POTABLE WATER SOURCES, FOUNDATION DRAINS, AIR CONDITIONING CONDENSATION, IRRIGATION WATER, SPRINGS, FOOTING DRAINS, WATER LINE FLUSHING, FLOWS FROM RIPARIAN HABITATS AND WETLANDS, AND FLOW FROM FIRE FIGHTING ACTIVITIES.

ANY OTHER DISCHARGES, INCLUDING STORM WATER DISCHARGES FROM INDUSTRIAL FACILITIES OR CONSTRUCTION SITES, MAY REQUIRE COLORADO DISCHARGE PERMIT SYSTEM PERMITS FROM CDPHE BEFORE WORK BEGINS. FOR ADDITIONAL INFORMATION AND FORMS, GO TO THE CDPHE WEBSITE AT : <http://www.cdphe.state.co.us/wq/PermitUnit/wqcdprmt.html>.

9) RIGHT OF WAY IS NOT REQUIRED FOR CONSTRUCTION OF HIGHWAY 6 IMPROVEMENTS. ALL WORK WILL OCCUR WITHIN THE EXISTING CDOT RIGHT OF WAY.



**LOCATION MAP**  
NOT TO SCALE

**LEGEND**

- UTILITY POLE
- EXISTING GROUND SIGN
- - - PROPOSED GROUND SIGN
- ⊙ BURIED PHONE MARKER
- GUY WIRE
- △ FLARED END SECTION
- ⊕ BOULDER/ROCK
- PROPERTY CAP
- O/H/E — OVERHEAD ELECTRIC LINE
- - - TELEPHONE LINE
- x-x-x FENCELINE
- ▨ REVEGETATED AREA

**INDEX OF SHEETS**

- 1 COVER SHEET
- 2 DRIVEWAY PLAN & PROFILE
- 3 DETAILS & REVEC PLAN
- 4 ADDITIONAL NOTES

1 / 4 OF

Job No. 2009-336.001  
 Drawn by: JK  
 Date: 07-30-09  
 Appr. by: LB  
 File: ORCHARD EXHIBIT

Cover Sheet

MP 109.8 US 6  
 Permit #309040

**SCHMUESER | GORDON | MEYER**  
 ENGINEERS | SURVEYORS

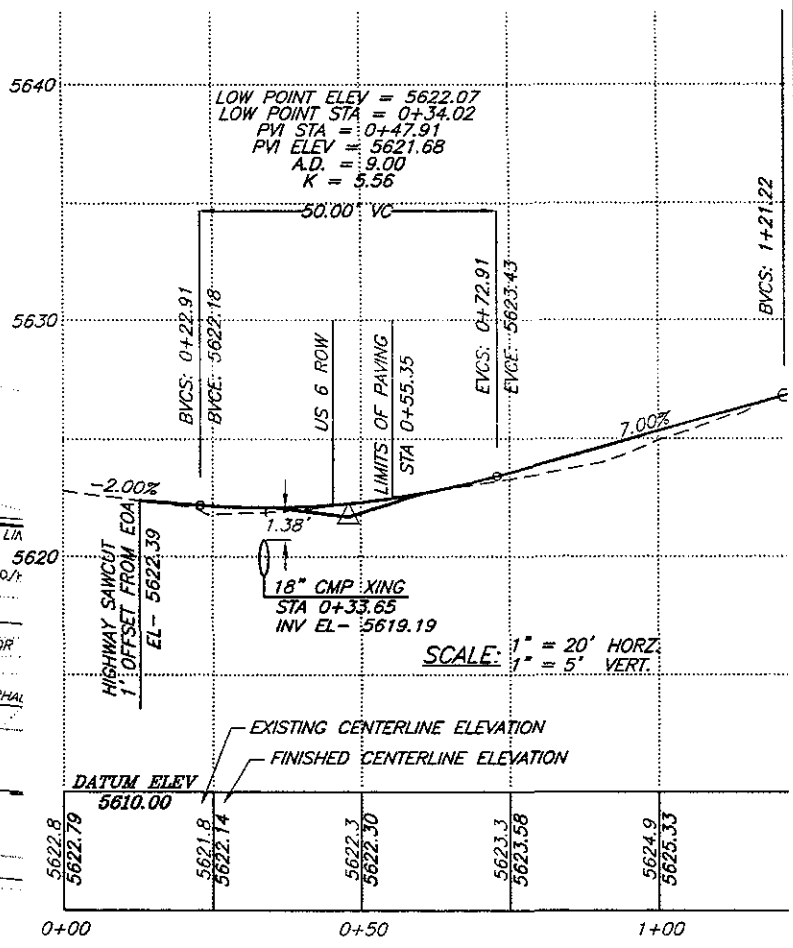
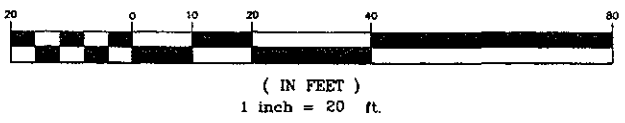
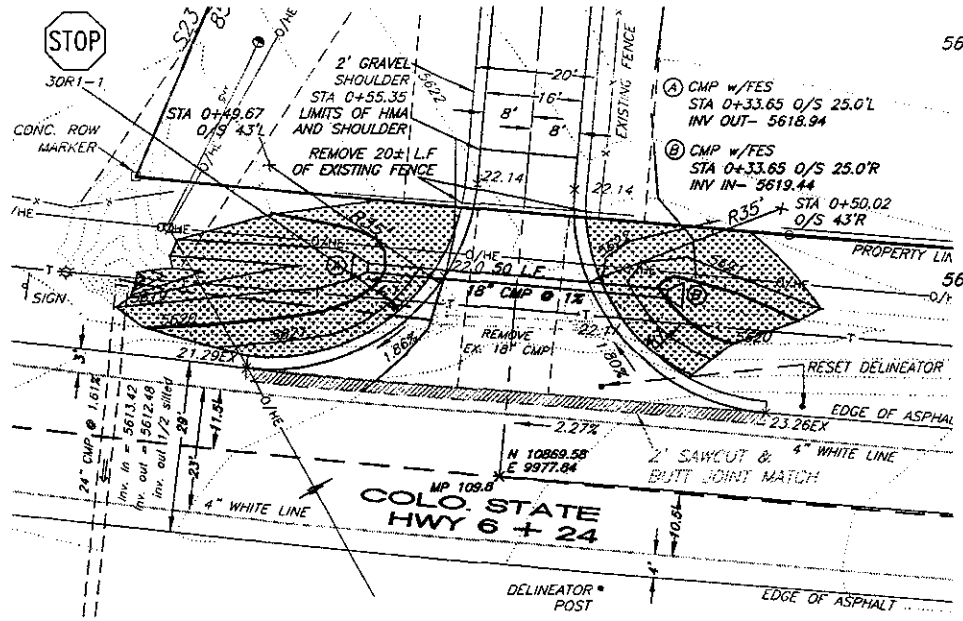
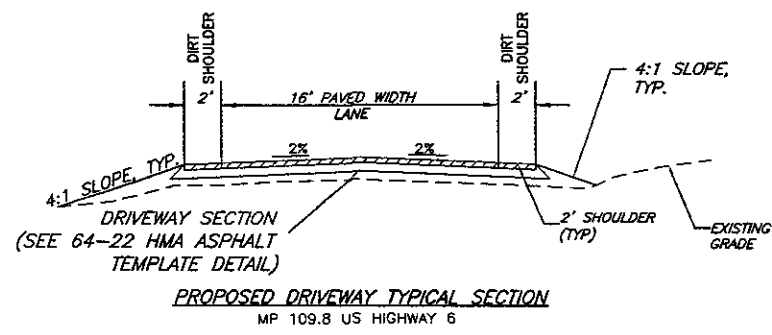
118 W. 6TH STREET, SUITE 200  
 GLENWOOD SPRINGS, COLORADO 81601  
 (970) 945-1004 FAX (970) 945-5948  
 ASPEN, COLORADO (970) 925-6727  
 CRESTED BUTTE, CO (970) 349-5355

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Driveway Plan & Profile

MP 109.8 US 6  
 Permit #309040

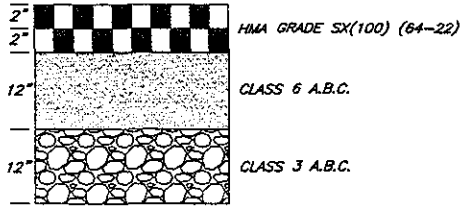


**SCHMUESER | GORDON | MEYER**  
 ENGINEERS | SURVEYORS

118 W. 8TH STREET, SUITE 200  
 CLEVEDON SPRINGS, COLORADO 81601  
 (970) 945-1004 FAX (970) 945-5948  
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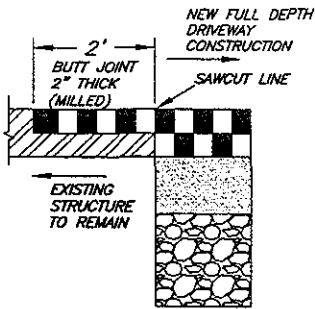
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**64-22 HMA  
ASPHALT TEMPLATE**

NOT TO SCALE

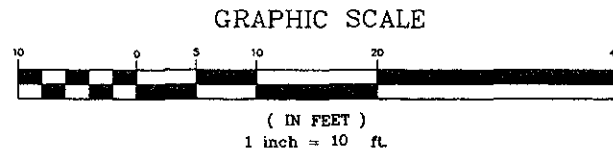
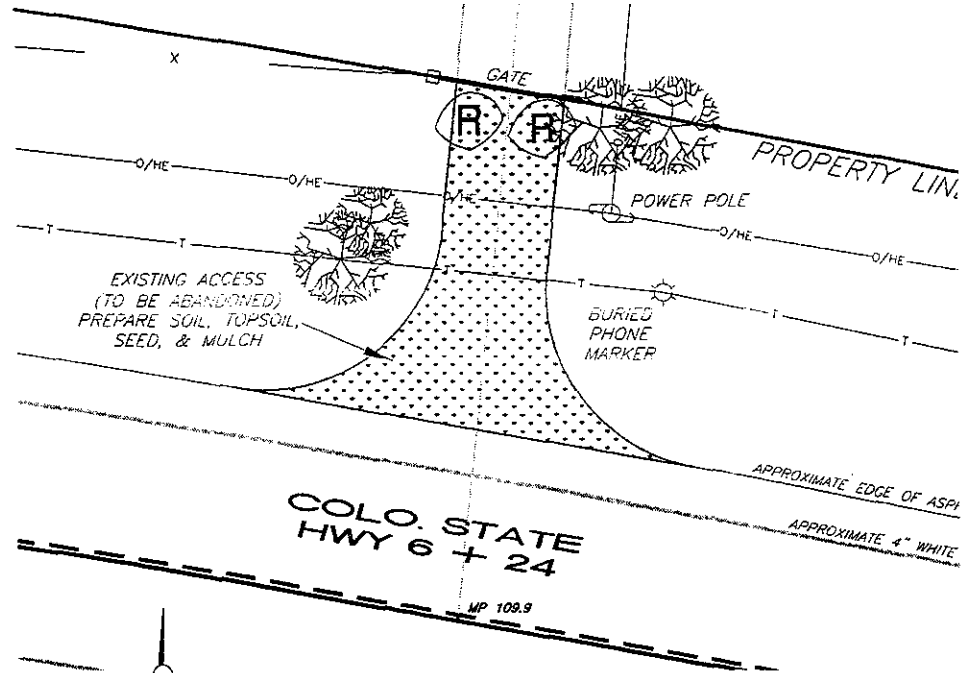


**PROJECT LIMIT  
ASPHALT PAVEMENT TRANSITION**

NOT TO SCALE

**NOTES FOR ABANDONING EXISTING ACCESS SITE:**

- REMOVE EXISTING GATE AND REPLACE WITH FENCE
- PLACE LANDSCAPE BOULDERS ON EXISTING PLATFORM
- PREPARE SOIL, TOPSOIL, SEED, AND MULCH EXISTING DRIVEWAY LIMITS WITHIN THE RIGHT OF WAY



3 / 4 OF

Job No. 2009-336.001  
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**Details &  
Reveg Plan**

**MP 109.8 US 6  
Permit #309040**

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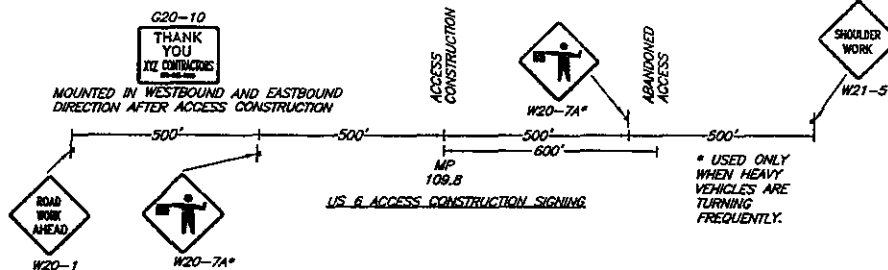
ADDITIONAL GENERAL NOTES

- 1) THIS ACCESS PERMIT APPLICATION #308154 WILL REPLACE ANY EXISTING ACCESS PERMITS FOR THE SITE.
- 2) UTILITY LINES SHOWN ON THE PLAN SHEETS ARE PLOTTED FROM THE BEST AVAILABLE INFORMATION. THE CONTRACTOR'S ATTENTION IS DIRECTED TO SUBSECTION 105.06 OF THE STANDARD SPECIFICATIONS CONCERNING UTILITIES. THE CONTRACTOR SHALL COORDINATE WORK WITH UTILITY COMPANIES SO THAT NECESSARY RELOCATIONS CAN BE ACCOMPLISHED WITHOUT IMPACTING THE CONSTRUCTION SCHEDULE.
- 3) THE CONTRACTOR SHALL CALL THE UTILITY NOTIFICATION CENTER OF COLORADO (UNCC) AT 1-800-922-1987 FOR UTILITY LOCATIONS AT LEAST 2 BUSINESS DAYS, NOT INCLUDING THE DAY OF THE ACTUAL NOTIFICATION, PRIOR TO ANY EXCAVATION. THE CONTRACTOR SHALL VERIFY ALL RIM AND INVERT ELEVATION OF EXISTING UTILITIES AT PROPOSED UTILITY TIE-IN LOCATIONS AND ALL MATCH POINTS PRIOR TO CONSTRUCTION. REFER TO THE SURVEY TABULATION.
- 4) THE CONTRACTOR SHALL BE RESPONSIBLE FOR ADHERING TO ALL GARFIELD COUNTY ORDINANCES.
- 5) WATER SHALL BE USED AS A DUST PALLIATIVE WHERE REQUIRED. LOCATIONS SHALL BE DIRECTED BY THE ENGINEER AND SHALL NOT BE PAID SEPARATELY.
- 6) FOR PRELIMINARY PLAN QUANTITIES OF PAVEMENT MATERIALS, THE FOLLOWING RATES OF APPLICATION WHERE USED:
 

AGGREGATE BASE COURSE (CLASS 6)	• 133 LBS/CU. FT.
AGGREGATE BASE COURSE (CLASS 2)	• 135 LBS/CU. FT.
HOT BITUMINOUS PAVEMENT SX (100)(PG 64-22)	• 110 LBS/SY. YD./INCH
TACK COAT DILUTED EMUL. ASPH (SLOW SETTING)	• 0.10 GAL./SQ. YD. (DILUTED)
- 7) DILUTED EMULSIFIED ASPHALT FOR TACK COAT SHALL CONSIST OF 1 PART EMULSIFIED AND 1 PART WATER. RATE OF APPLICATION SHALL BE DETERMINED BY THE ENGINEER.
- 8) THE FOLLOWING SHALL BE FURNISHED WITH EACH BITUMINOUS PAVE:
  - A. A SKI TYPE DEVICE AT 30 FEET IN LENGTH.
  - B. A SHORT SKI OR SHOE.
- 9) DEPTH OF MOISTURE-DENSITY CONTROL FOR THE PROJECT SHALL BE THE FULL DEPTH OF ALL EMBANKMENT AND 0.5 FEET BELOW BASE OF CUTS AND FILLS. TYPE OF COMPACTION FOR THE PROJECT WILL BE AASHTO T-99 FOR EMBANKMENT MATERIAL (CIP).
- 10) EXCAVATION REQUIRED FOR COMPACTION OF BASES OF CUTS AND FILLS WILL BE CONSIDERED AS SUBSIDIARY TO THAT OPERATION AND WILL NOT BE PAID FOR SEPARATELY.
- 11) EMBANKMENT MATERIAL SHALL HAVE A MINIMUM R-VALUE OF 60 WITHIN THE TOP 22 INCHES OF SUBGRADE.
- 12) ANY OPEN EXCAVATION LEFT UNATTENDED SHALL BE BARRICADED OR FENCED OFF BY THE CONTRACTOR. COST OF THE FENCING TO PROTECT TRAVELED WAY SHALL BE INCLUDED IN THE COST OF THE EXCAVATION.
- 13) THE CONTRACTOR IS RESPONSIBLE TO MAINTAIN ALL EXISTING DRAINAGE SYSTEMS DURING CONSTRUCTION. THE CONTRACTOR SHALL ALSO MAINTAIN ALL ACCESS POINTS FROM THE HIGHWAY DURING CONSTRUCTION. IF ADJACENT PROPERTY OWNERS AGREE IN WRITING TO TEMPORARY CLOSURES, THESE AGREEMENTS MUST BE APPROVED BY THE ENGINEER IN WRITING PRIOR TO IMPLEMENTATION.
- 14) CERTIFICATES OF INSURANCE ISSUED FROM THE CONTRACTOR TO THE OWNER FOR THE PROJECT SHALL ALSO NAME CDOT AS AN ADDITIONAL INSURED PARTY.
- 15) THE CONTRACTOR SHALL SAWCUT THE EDGE OF THE EXISTING ASPHALT MAT TO PROVIDE A CLEAN JOINT BETWEEN EXISTING ROADWAY AND NEW WIDENINGS.

TRAFFIC CONTROL NOTES

- 1) PRIOR TO BEGINNING OF WORK IN THE CDOT RIGHT OF WAY, THE PERMITTEE SHALL CREATE A SITE SPECIFIC AND DETAILED CONSTRUCTION TRAFFIC CONTROL PLAN WHICH COVERS ALL PHASES AND DAY/NIGHT SIGNAGE CONDITIONS OF WORK, INCLUDING FINAL SIGNING AND STRIPING.
- 2) PERMITTEE SHALL REMOVE ALL TRAFFIC CONTROL DEVICES AT THE END OF THE DAY'S CONSTRUCTION ACTIVITIES, ON WEEKENDS AND HOLIDAYS, UNLESS OTHERWISE DIRECTED BY CDOT.
- 3) THE POSTED SPEED ALONG HIGHWAY 6 IN THE PROJECT AREA IS 55 MPH, WHICH WILL BE MAINTAINED AS THE CONSTRUCTION ZONE SPEED LIMIT. DRUM CHANNELIZING DEVICES SHALL BE SPACED 25' ALONG THE CONSTRUCTION LIMITS (APPROXIMATELY 55' ON EITHER SIDE OF PROPOSED ACCESS). NO DRUMS WILL BE NEEDED AT THE ABANDONED ACCESS.
- 4) CONSTRUCTION TRAFFIC CONTROL SHALL FOLLOW "SHOULDER WORK WITH MINOR ENCROACHMENT" (FIGURE TA-8 IN THE MUTCD PART IV).
- 5) CASE NO. 25 ON STANDARD PLAN S-630-1 (11 OF 12) SHOWING "FINES DOUBLE IN WORK ZONE (WITHOUT SPEED REDUCTION)" SIGNING SHALL APPLY TO TRAFFIC CONTROL ALONG US 6.
- 6) CONTRACTOR SHALL SUBMIT TCP'S AND MHT'S FOR ALL PHASES OF WORK AT LEAST ONE WEEK PRIOR TO COMMENCING WORK IN THE RIGHT OF WAY. THE ENGINEER OF RECORD SHALL APPROVE ALL TRAFFIC CONTROL SUBMITTALS BY THE CONTRACTOR PRIOR TO INITIATING WORK IN THE RIGHT OF WAY AND PROVIDE COPIES TO CDOT.



4 / 4 OF

Job No. 2009-336.001  
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 File: ORCHARD EXHIBIT

Additional Notes

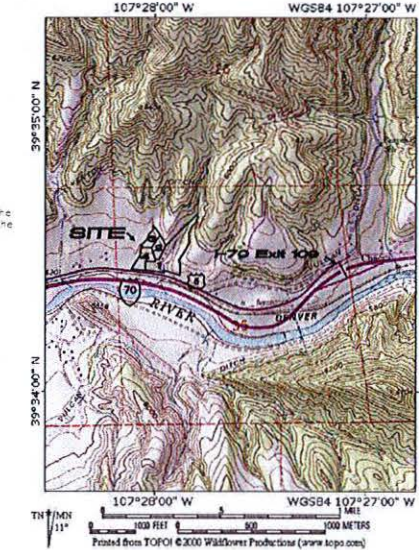
MP 109.8 US 6  
 Permit #309040

**SCHMUESER | GORDON | MEYER**  
 ENGINEERS | SURVEYORS  
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# Final Subdivision Plat OLD ORCHARD SUBDIVISION

SITUATED IN THE NW1/4 OF SECTION 35, TOWNSHIP 5 SOUTH, RANGE 90 WEST OF THE 6TH P.M.  
COUNTY OF GARFIELD, STATE OF COLORADO



**Title Insurance Commitment Notes:**  
This plat has been prepared relying upon a title insurance commitment as issued by Land Title Guaranty Company, title insurance commitment order no. 04563005568 and references the following title insurance commitment exceptions:  
Exception No. 1) This property is subject to US Patent Rights as reserved in document recorded in Book 388 of Page 31.  
Exception No. 2) This property is subject to a Right of Way for ditches and canals constructed by the authority of the United States as reserved in document recorded in Book 388 of Page 31.  
Exception No. 3) Does not affect the subject property.  
Exception No. 4) Plotted and shown hereon.  
Exception No. 5) This property is subject to the Terms, Conditions and Provisions of Resolution No. 2002-84 as recorded in Book 1387 of Page 114.  
Exception No. 6) Plotted and shown hereon.  
Exception No. 7) This property is subject to Easements, Rights of Way and other matters as shown on the Exemption Plat recorded under Reception No. 670839 and the Amended Exemption Plat thereon as recorded under Reception No. 670864.  
Exception No. 8) This property is subject to the terms, Conditions and Provisions of Permit as recorded under Reception No. 770883.  
Exception No. 9) This property is subject to the Terms, Conditions and Provisions of Resolution No. 2005-73 as recorded in document recorded under Reception No. 685929.  
Exception No. 10) Plotted and shown hereon.

**Land Use Summary:**

Single Family Residential Lot No.	Square Feet	Acres
Lot 1	537,661	12.343
Lot 2	59,578	2.286
Lot 3	104,231	2.391
Lot 4	139,304	3.198
<b>Total:</b>	<b>840,774</b>	<b>20.220</b>

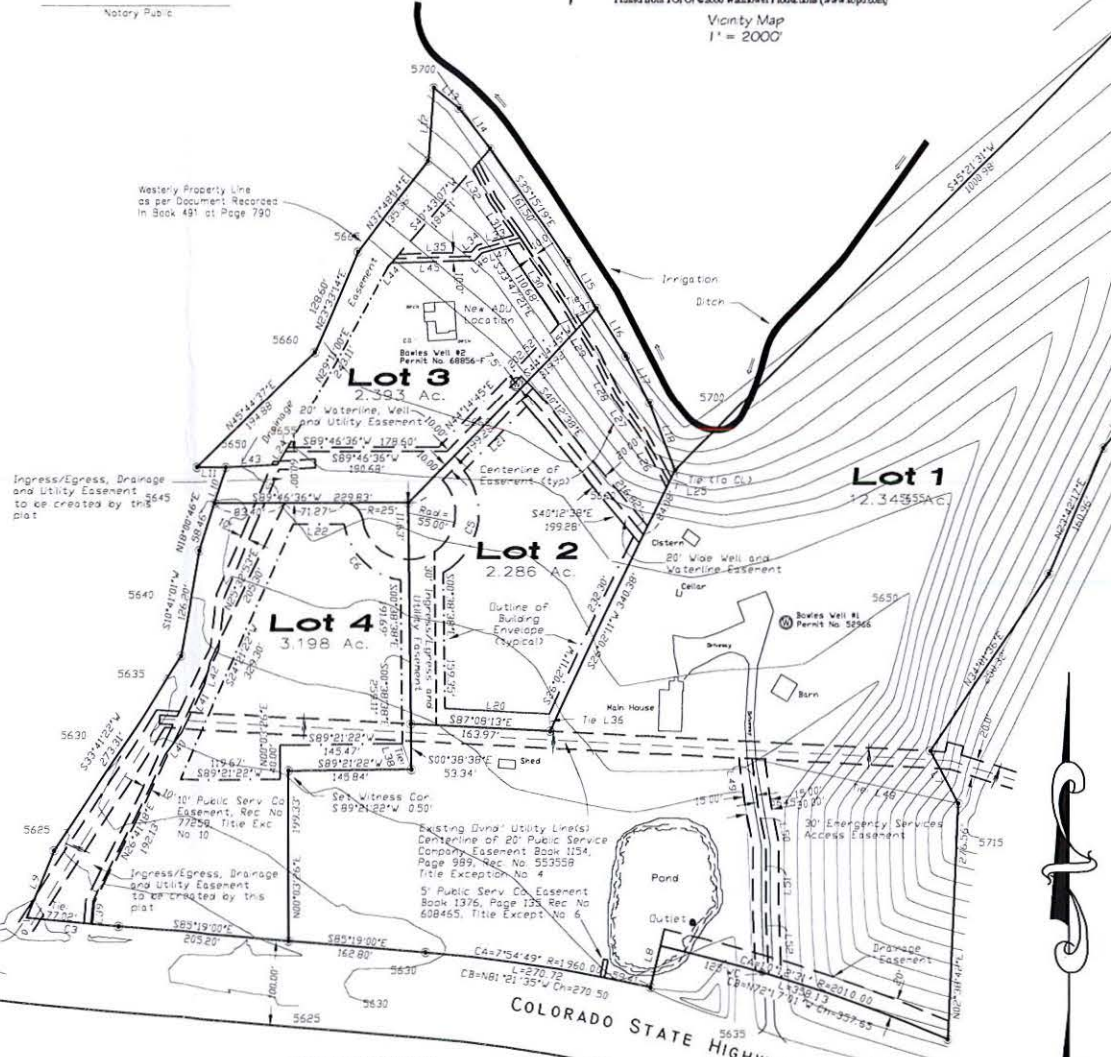
Existing Zoning - Rural (Minimum Lot Size - 2.0 Acres)  
Number of Off-street Parking Per Lot = 4 Spaces  
Building Envelope Acres  
Lot 2 = 1.2006 Acres  
Lot 3 = 1.0245 Acres  
Lot 4 = 1.1350 Acres

**LINE TABLE**

LINE	LENGTH	BEARING
L1	25.78	N22°31'08"W
L2	65.99	N55°11'25"E
L3	51.69	N11°59'34"E
L4	80.15	N37°28'23"E
L5	68.43	N49°48'42"E
L6	63.16	N42°24'52"E
L7	69.85	N26°33'21"W
L8	50.00	N31°28'02"E
L9	85.51	S23°00'10"W
L10	44.25	S18°00'46"W
L11	34.78	N85°42'59"W
L12	85.33	S34°22'25"W
L13	38.18	S50°44'37"E
L14	59.61	S37°33'49"E
L15	60.07	N31°52'13"W
L16	65.82	N31°28'19"W
L17	62.07	N26°55'28"W
L18	84.97	N24°42'17"W
L19	64.99	N27°45'58"W
L20	53.56	N34°38'24"W
L21	55.24	N27°10'39"W
L22	62.15	N32°34'16"W
L23	123.13	N34°54'44"W
L24	54.84	N36°06'00"W
L25	45.40	N26°45'22"W
L26	50.08	S74°34'10"W
L27	11.72	S44°08'30"W
L28	92.67	S88°56'21"W
L29	26.87	N24°59'27"E
L30	31.58	N39°01'52"E
L31	64.27	N26°59'09"E
L32	28.56	N14°05'05"E
L33	61.63	S87°05'43"W
L34	6.58	N24°43'27"E
L35	97.28	N88°06'21"E
L36	12.38	N44°08'30"E
L37	30.51	N74°34'10"E
L38	30.07	S77°08'10"E
L39	52.36	S12°54'12"E
L40	80.24	S30°00'17"W
L41	70.09	S22°13'36"E
L42	16.35	N26°02'11"E
L43	20.12	N23°44'39"W
L44	57.11	N57°45'37"E
L45	31.69	N57°04'44"W
L46	249.52	S78°02'34"E

**CURVE TABLE**

CURVE LENGTH	RADIUS	CHORD	CH. BRG.	CH. DIST.
C2	109.74	56.80	126.25°	109.74
C4	24.69	50.00	281°31'	24.44
C5	136.99	80.00	99°32'30"	122.15
C6	100.65	80.00	45°51'26"	94.14



**Certificate of Dedication and Ownership**  
The undersigned Rac Anthony Gabossi and Mary Ann Gabossi being sole Owner(s) in fee simple of all that real property situated in Garfield County, described as follows:  
A tract of land being situated in the NW1/4 of Section 35, Township 5 South, Range 90 West of the 6th P.M. County of Garfield, State of Colorado, said tract of land being described by metes and bounds as follows:  
Beginning at a point from whence the North 1/4 corner of said Section 35 bears N.45°13'E, 855.56 feet, said North 1/4 corner being on the pole with an aluminum cap PLS No. 15710 being found in place; Thence S 28°31'08"E, 55.72 feet; Thence S 26°11'52"W, 62.99 feet; Thence S 11°59'34"W, 51.69 feet; Thence S 37°28'23"W, 80.15 feet; Thence S 42°24'52"W, 58.45 feet; Thence S 23°00'10"W, 187.65 feet; Thence S 04°13'08"E, 208.64 feet; Thence S 40°24'52"W, 63.16 feet; Thence S 34°21'17"W, 180.96 feet; Thence S 34°01'36"W, 250.32 feet; Thence S 26°03'51"E, 69.80 feet; Thence S 02°35'42"W, 276.57 feet to a point on the Northern Right of Way of Colorado State Highway 8; Thence along said Northern Right of Way the following five (5) courses:  
1) Thence 3581.13 feet along the arc of a curve to the left having a radius of 20100.00 feet, a central angle of 101°21'31" and sub-tending a chord which bears N 72°17'01"W, 357.65 feet;  
2) Thence S 13°12'00"W, 50.00 feet;  
3) Thence 270.72 feet along the arc of a non-tangent curve to the left having a radius of 1980.00 feet, a central angle of 07°54'49" and sub-tending a chord which bears N 81°21'35"W, 270.50 feet;  
4) Thence N 85°19'00"W, 369.00 feet;  
5) Thence 109.74 feet along the arc of a curve to the right having a radius of 5680.00 feet, a central angle of 01°08'25" and sub-tending a chord which bears N 84°45'48"W, 109.74 feet;  
Thence departing said Northern Right of Way and along that line as described in document recorded in Book 491 of Page 790 the following courses:  
Thence N 23°00'10"E, 85.51 feet; Thence N 33°41'22"E, 273.31 feet; Thence N 104°10'12"E, 126.80 feet; Thence N 18°00'42"E, 102.71 feet; Thence N 89°42'59"W, 34.78 feet; Thence N 45°44'37"E, 194.88 feet; Thence N 23°33'14"E, 128.60 feet; Thence N 37°48'14"E, 135.68 feet; Thence N 04°22'29"E, 85.53 feet; Thence S 50°44'37"E, 38.18 feet; Thence S 37°33'49"E, 59.61 feet; Thence S 35°15'19"E, 161.50 feet; Thence S 31°52'13"E, 130.89 feet; Thence S 26°55'22"E, 62.07 feet; Thence S 20°42'31"E, 84.87 feet; Thence N 45°21'31"E, 1000.98 feet to the Point of Beginning containing 20.22 acres, more or less, have caused the described real property to be surveyed, laid out, plotted and subdivided into lots and blocks as shown on this Final Plat under the name and style of "OLD ORCHARD SUBDIVISION", a subdivision in the County of Garfield, the Owners do hereby dedicate and set apart all of the streets and roads as shown on the accompanying Plat to the use of the public forever, and hereby dedicate to the Old Orchard Subdivision Homeowners Association those portions of said real property which are located as utility easements on the accompanying Plat as perpetual easements for the installation and maintenance of utilities, irrigation and drainage facilities including, but not limited to, electric lines, gas lines and telephone lines, together with the right to trim interfering trees and to trim, with perpetual right of ingress and egress for installation and maintenance of such lines. Such easement and rights shall be utilized in a reasonable and prudent manner. All expense for street paving or improvements shall be furnished by the sewer or purchaser, not by the County of Garfield.

**Owner: Rac Anthony Gabossi**  
Address:  
44523 Highway 6  
Greenwood Springs, CO  
81601

**Owner: Mary Ann Gabossi**  
Address:  
44523 Highway 6  
Greenwood Springs, CO  
81601

STATE OF COLORADO )  
COUNTY OF GARFIELD ) ss  
The foregoing Certificate of Dedication and Ownership was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_, by Rac Anthony Gabossi and Mary Ann Gabossi as Individuals.  
My commission expires: \_\_\_\_\_  
Witness my hand and official seal:

**Surveyor's Certificate**  
I, Samuel D. Phelps, do hereby certify that I am a Professional Land Surveyor licensed under the laws of the State of Colorado, that this Plat is a true, correct and complete Plat of the "OLD ORCHARD SUBDIVISION" laid out, plotted, dedicated and shown hereon, that such Plat was made from an accurate survey of said property by me, or under my supervision, and correctly shows the location and dimensions of the lots, easements and streets of "OLD ORCHARD SUBDIVISION" as the same are located upon the ground. In compliance with applicable regulations governing the subdivision of land.

In witness whereof, I have hereunto set my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_.

**Samuel D. Phelps**  
Colorado  
Land Surveyor  
Far and on 888-555-5555, Inc.

**SURVEYOR'S NOTES**  
1) THIS SURVEY DOES NOT REPRESENT A TITLE SEARCH BY THIS LAND SURVEYOR TO DISCOVER OWNERSHIP, EASEMENTS OF RECORD OR OTHER ENCUMBRANCES WHICH MAY AFFECT THE SUBJECT PROPERTY.  
2) BEARINGS AS SHOWN HEREON ARE BASED UPON A RECORD BEARING OF S42°17'10"E FOR THE LINE FROM THE NORTHWEST CORNER OF LOT 1 A REBAR AND PLASTIC CAP, PLS NO. 27613 FOUND IN PLACE AND THE NORTH 1/4 CORNER OF SECTION 35, AN ALUMINUM CAP ON AN IRON PIPE, PLS NO. 15710 FOUND IN PLACE.  
3) THIS PROPERTY IS SUBJECT TO MINERAL RIGHT RESERVATIONS AND RIGHTS OF WAY FOR DITCHES AND CANALS CONSTRUCTED BY THE AUTHORITY OF THE UNITED STATES AS RESERVED IN PATENT RECORDED OCT. 26, 1967 IN BOOK 168 AT PAGE 91.  
4) THE 20' WIDE PUBLIC SERVICE EASEMENT SHOWN HEREON IS BASED UPON AN UNRECORDED EASEMENT DOCUMENT PRESENTED TO THIS LAND SURVEYOR BY OWNER QUINCY.  
5) THE BOUNDARY DIMENSIONS OF THE SUBJECT PROPERTY ARE BASED UPON A MONUMENTED LAND SURVEY PREPARED BY SCARROW AND WALKER, INC. AND SEND DATED SEPT. 28, 1993.  
6) DATE OF SURVEY - MARCH, 2009.  
NOTICE: (Per C.R.S. 13-80-105 et seq.) ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.

Sheet  
1 of 1

Cient: Rocky Gabossi	Date: 12/May/2010		
Drawn By: S. Phelps	Job file: 99.089.007		
	Dwg No: 99.089		
NO	BY	DATE	REVISION DESCRIPTION

**County Commissioners' Certificate**  
This Plat is approved by the Board of County Commissioners of Garfield County, Colorado, this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_, for filing with the Clerk and Recorder of Garfield County and for conveyance to the County of the public dedications shown hereon, subject to the provision that approval in no way obligates Garfield County for the financing or construction of improvements on lands, public roads, highways or easements dedicated to the public, except as specifically agreed to by the Board of County Commissioners by separate resolution.

EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_.

**Chairman, Board of County Commissioners**  
Garfield County, Colorado

Witness my hand and seal of the County of Garfield

**Certificate of Taxes Paid**  
I, the undersigned, do hereby certify that the entire amount of taxes and assessments due and payable on \_\_\_\_\_ upon all parcels of real estate described on this Plat are paid in full.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_.

My commission expires: \_\_\_\_\_  
Witness my hand and official seal:

**County Surveyor's Certificate**  
Approved for content and form only and not the accuracy of surveys, calculations or drafting pursuant to C.R.S. § 38-81-101 and 102, et seq.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_.

**Garfield County Surveyor**

**Title Certificate**  
I, \_\_\_\_\_, an attorney licensed to practice law in the State of Colorado, or agent authorized by a title insurance company, do hereby certify that I have examined the title to all lands shown upon this Plat and that title to such lands is vested in \_\_\_\_\_ free and clear of all liens and encumbrances (including mortgages, deeds of trust, judgments, easements, contracts and agreements of record affecting the real property in this Plat), except as follows: \_\_\_\_\_

DATED this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_.

**TITLE COMPANY:** \_\_\_\_\_

Agent OR \_\_\_\_\_

Attorney \_\_\_\_\_  
Colorado Attorney Registration No. \_\_\_\_\_

**Lienholder Consent and Subordination**  
The undersigned, being the Beneficiary under a Deed of Trust granted by the Owners upon the real property plotted and divided as shown upon the within Subdivision Plat, certifies that the undersigned has reviewed the Subdivision Plat and by this certification hereby consents to said Subdivision Plat and to the recording thereof. Beneficiary further consents to said Subdivision Plat as stated in the certificate of dedication and ownership executed by the Owners hereon, and hereby subordinates any interest that Beneficiary may have in and to the property subject to such dedication, to the entity(ies) or the general public to which such dedication is made.

EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_.

Lienholder \_\_\_\_\_

STATE OF COLORADO )  
COUNTY OF GARFIELD ) ss  
The foregoing Lienholder Consent and Subordination was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_, by \_\_\_\_\_.

My commission expires: \_\_\_\_\_  
Witness my hand and official seal:

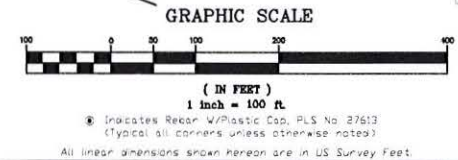
**Notary Public**

**County Required Plat Note**  
There shall be an automatic fire suppression system installed in all new residences including ADUs, constructed in the Old Orchard Subdivision. The systems shall be designed to NFPA 135 or NFPA 13R standards. The flow and control valves, on the systems, shall be monitored by a fire alarm system that is monitored by an independent UL Listed Central Station monitoring company.

**Clerk and Recorder's Certificate**  
This Plat was filed for record in the Office of the Clerk and Recorder of Garfield County, Colorado, at \_\_\_\_\_ o'clock \_\_\_\_\_ on this \_\_\_\_\_ day of 20\_\_\_\_.

Is duly recorded as Reception No. \_\_\_\_\_

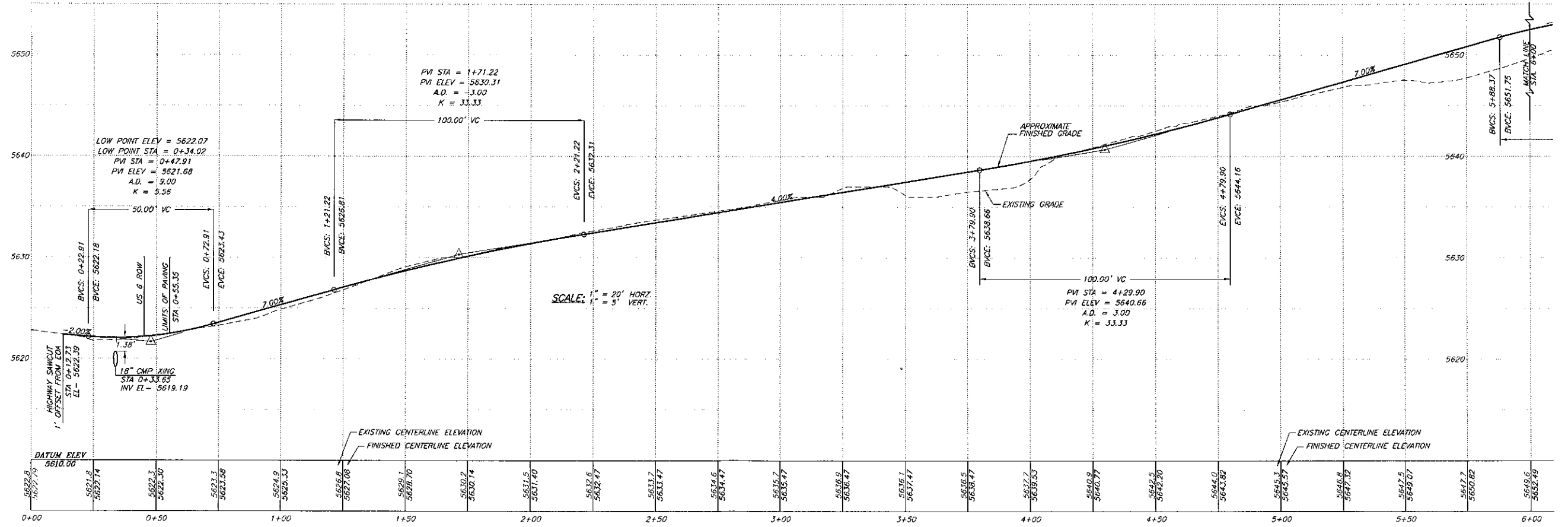
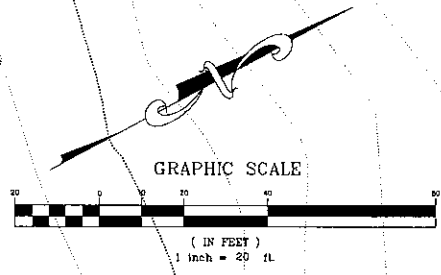
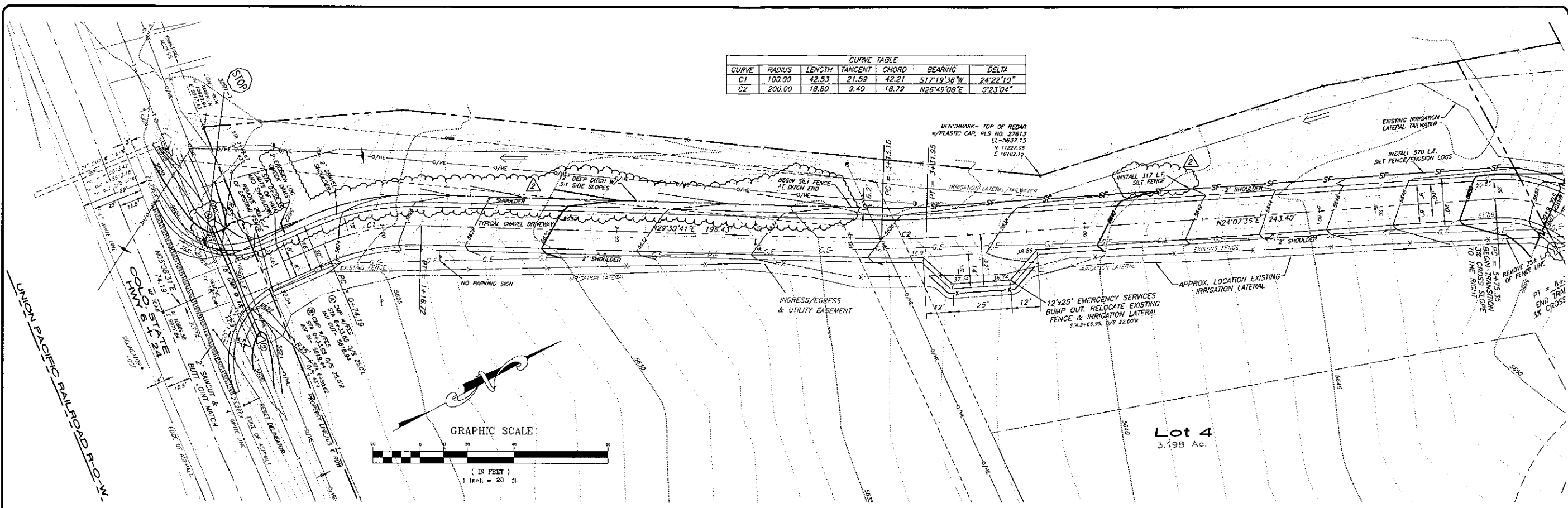
**Clerk and Recorder**  
By: \_\_\_\_\_ Deputy



**SurvCo, Inc.**  
RTK GPS and Conventional Land Surveying Services  
826-1/2 Grand Avenue  
Post Office Box 2782  
Glenwood Springs, CO, 81602-2782  
Phone (970) 845-5945 Fax (970) 845-5946  
Email: survco@gmail.com www.survco-inc.com

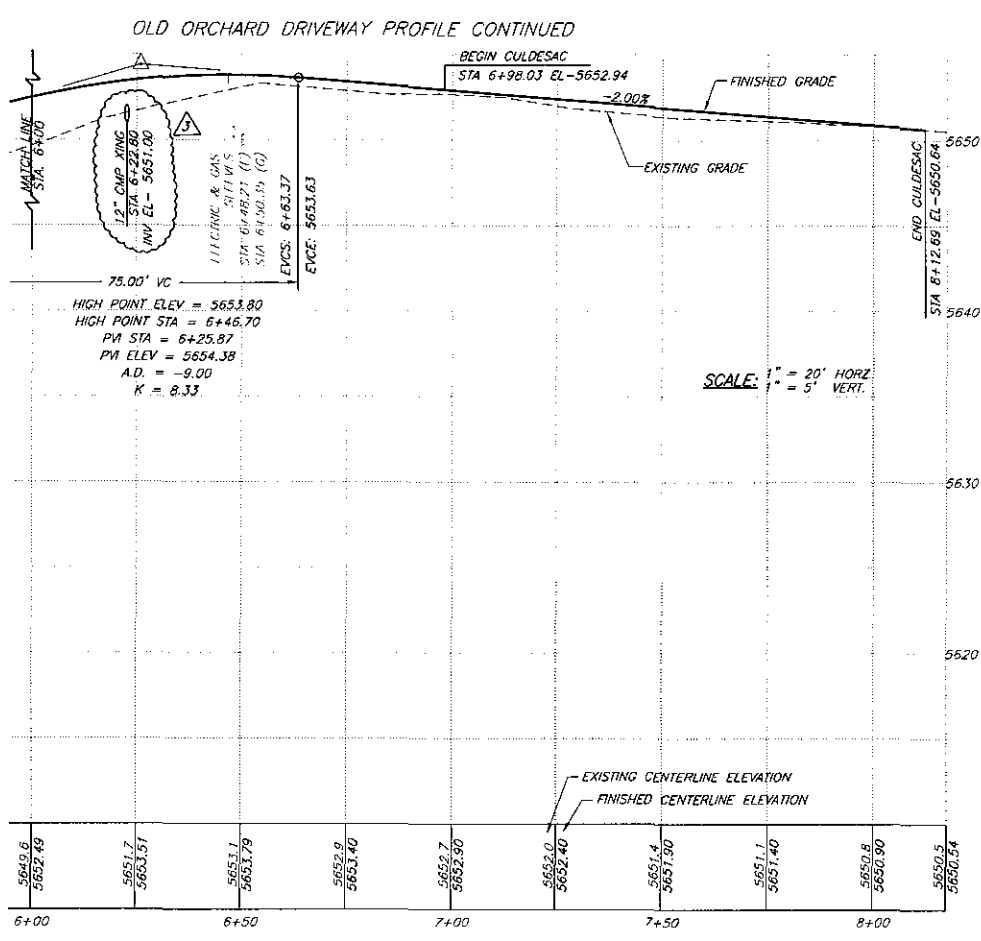


CURVE TABLE						
CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	100.00	42.53	21.59	42.21	S17°19'38"W	24°22'10"
C2	200.00	18.80	9.40	18.79	N26°49'08"E	5°23'04"

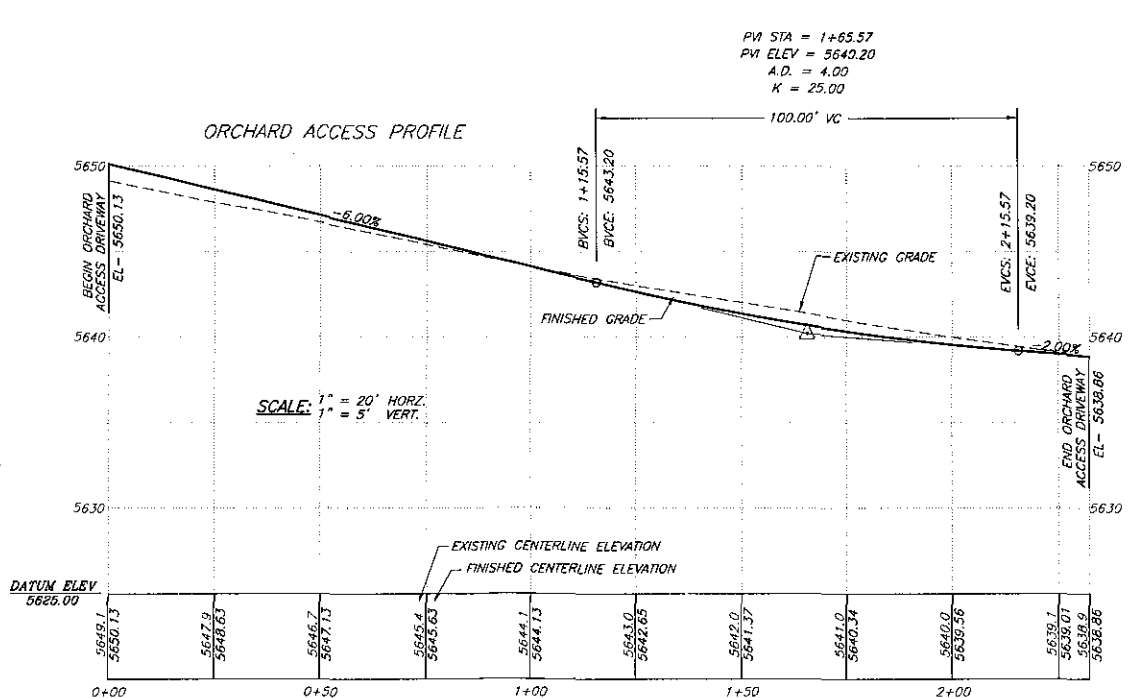
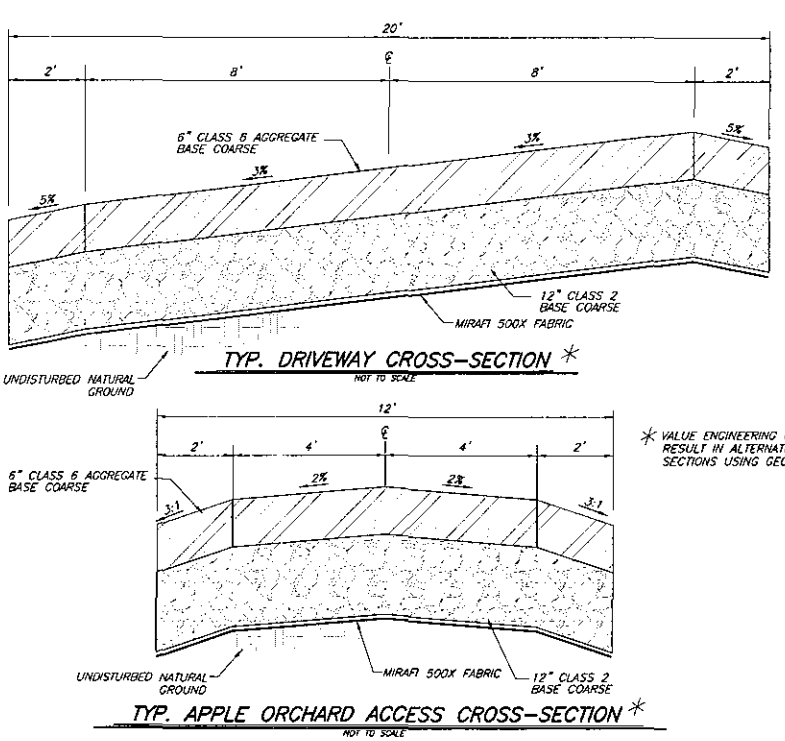
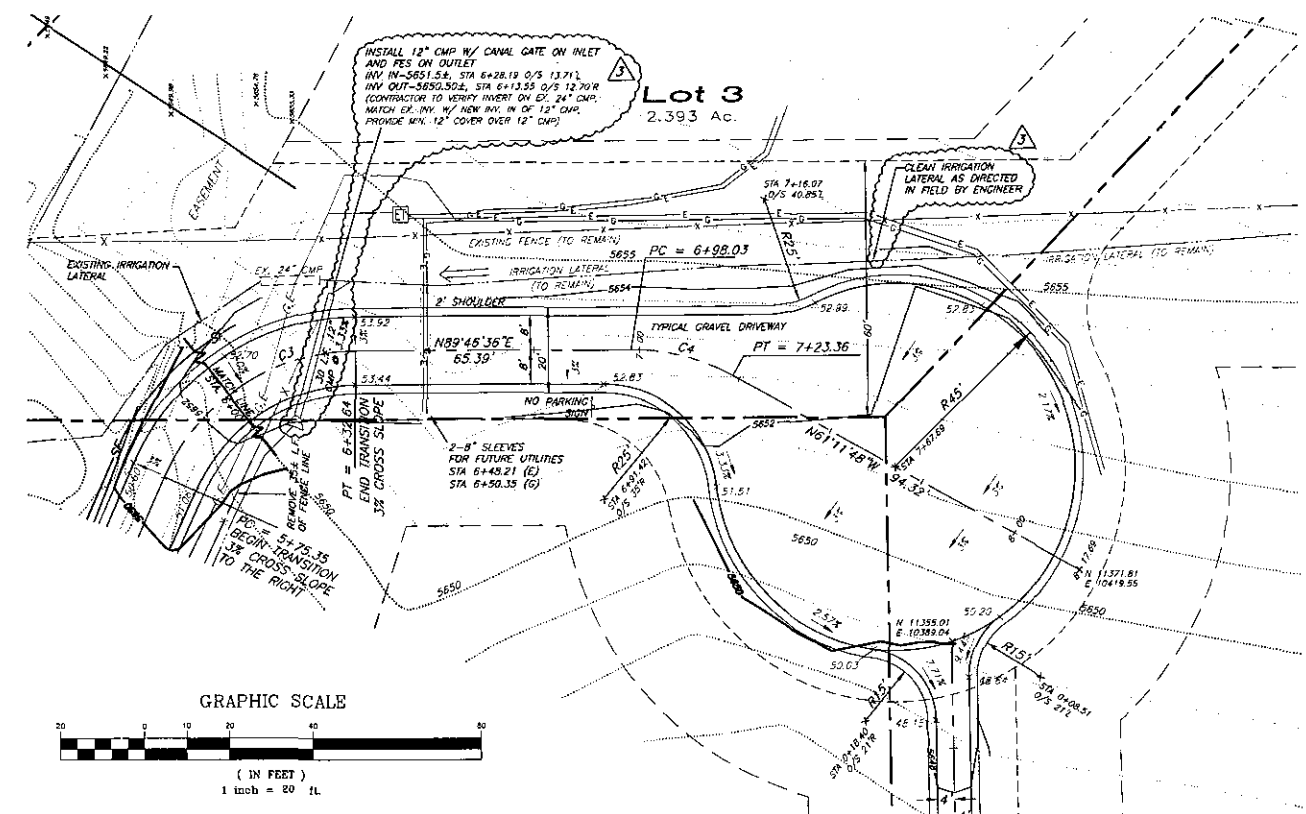


<p><b>SCHMUESER   GORDON   MEYER</b> ENGINEERS   SURVEYORS</p>	<p><b>SCHMUESER GORDON MEYER</b> 118 W. 6TH STREET, SUITE 200 GLENWOOD SPRINGS, COLORADO 81601 (970) 945-1004 FAX (970) 945-5948 ASPEN, COLORADO (970) 925-6727 CRESTED BUTTE, CO (970) 349-5355</p>	<p><b>LOTS 1-4 (EXHIBIT A)</b> <b>OLD ORCHARD SUBDIVISION</b></p>				<table border="1"> <thead> <tr> <th>NUM-BER</th> <th>REVISION</th> <th>DATE</th> <th>BY</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>PRELIMINARY/FINAL PLAN</td> <td>12/16/09</td> <td>RM</td> </tr> <tr> <td>2</td> <td>DRAINAGE &amp; GRADING PER PLANNING COMMISSION MOTION</td> <td>10/22/10</td> <td>RM</td> </tr> </tbody> </table>	NUM-BER	REVISION	DATE	BY	1	PRELIMINARY/FINAL PLAN	12/16/09	RM	2	DRAINAGE & GRADING PER PLANNING COMMISSION MOTION	10/22/10	RM	<p><b>DRAINAGE/GRADING PLAN AND DRIVEWAY PROFILE</b></p>	<p>Job No. 2009-336.001          Drawn by: RM          Date: 09-18-09          OC: PE: DMK          File: OldOrchard-01-02RP</p>	<p><b>1</b> OF</p>
		NUM-BER	REVISION	DATE	BY																
1	PRELIMINARY/FINAL PLAN	12/16/09	RM																		
2	DRAINAGE & GRADING PER PLANNING COMMISSION MOTION	10/22/10	RM																		

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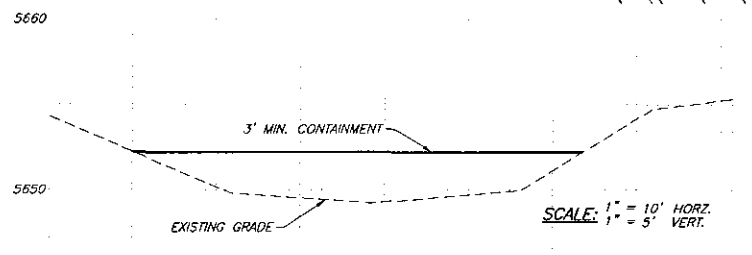
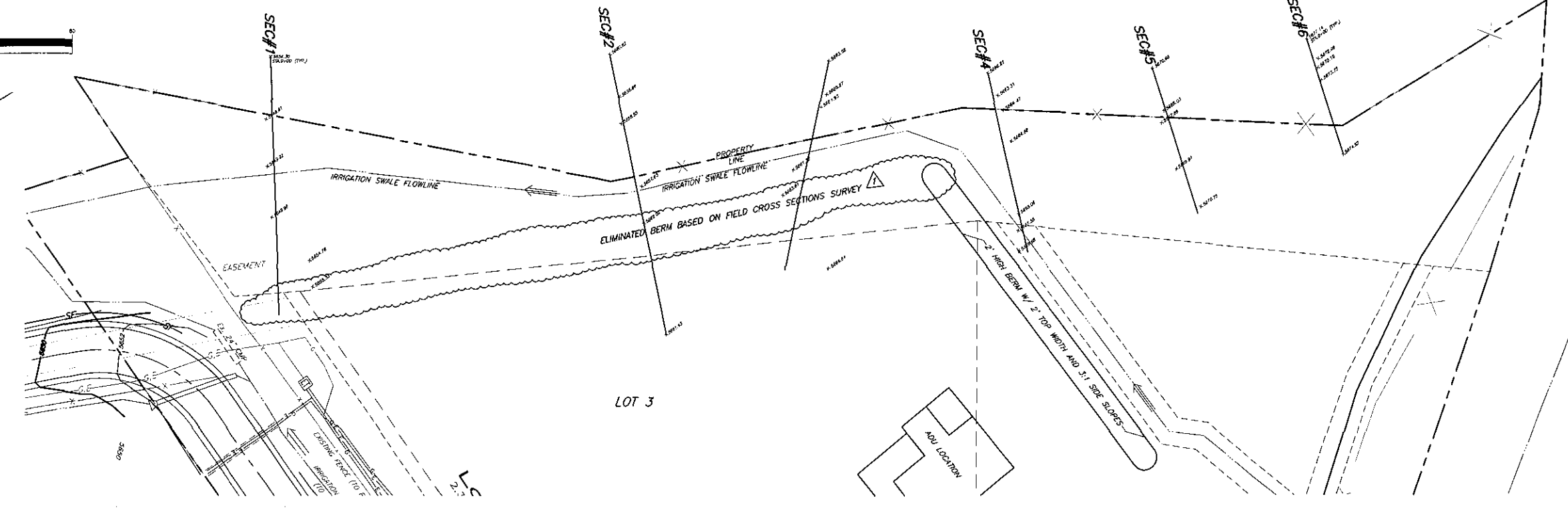
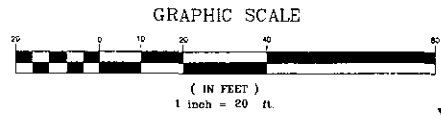


- LEGEND**
- UTILITY POLE
  - EXISTING GROUND SIGN
  - PROPOSED GROUND SIGN
  - ⊗ BURIED PHONE MARKER
  - CUT WIRE
  - △ FLARED END SECTION
  - ⊕ BOULDER/ROCK
  - ⊕ PROPERTY CAP
  - ⊕ ELECTRIC TRANSFORMER
  - OVERHEAD ELECTRIC LINE
  - TELEPHONE LINE
  - FENCELINE
  - SILT FENCE
  - GAS/VEGETING LINES
  - GAS LINE
  - ELECTRIC LINE



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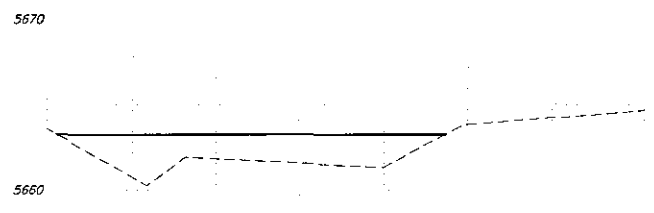
<p>SCHMUESER   GORDON   MEYER ENGINEERS   SURVEYORS</p>	<p>SCHMUESER GORDON MEYER 118 W. 6TH STREET, SUITE 200 GLENWOOD SPRINGS, COLORADO 81601 (970) 945-1004 FAX (970) 945-5948 ASPEN, COLORADO (970) 925-6727 CRESTED BUTTE, CO (970) 349-5355</p>	<p><b>LOTS 1-4 (EXHIBIT A)</b> <b>OLD ORCHARD SUBDIVISION</b></p>				<table border="1"> <thead> <tr> <th>NUM-BER</th> <th>REVISION</th> <th>DATE</th> <th>BY</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>PRELIMINARY/FINAL PLAN</td> <td>12/16/09</td> <td>RM</td> </tr> <tr> <td>2</td> <td>REVISED SECTIONS</td> <td>2/1/10</td> <td>RM</td> </tr> <tr> <td>3</td> <td>DRAINAGE &amp; GRADING PER PLANNING COMMISSION MOTION</td> <td>10/29/10</td> <td>RM</td> </tr> </tbody> </table>	NUM-BER	REVISION	DATE	BY	1	PRELIMINARY/FINAL PLAN	12/16/09	RM	2	REVISED SECTIONS	2/1/10	RM	3	DRAINAGE & GRADING PER PLANNING COMMISSION MOTION	10/29/10	RM	<p><b>DRAINAGE/GRADING PLAN AND DRIVEWAY PROFILE</b></p>	<table border="1"> <tr> <td>Job No.</td> <td>2009-336.001</td> </tr> <tr> <td>Drawn by:</td> <td>RM</td> </tr> <tr> <td>Date:</td> <td>09-18-09</td> </tr> <tr> <td>QC:</td> <td>PE: DMK</td> </tr> <tr> <td>File:</td> <td>OldOrchard-01-02RP</td> </tr> </table>	Job No.	2009-336.001	Drawn by:	RM	Date:	09-18-09	QC:	PE: DMK	File:	OldOrchard-01-02RP	<p>2 OF</p>
		NUM-BER	REVISION	DATE	BY																														
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File:	OldOrchard-01-02RP																																		



DATUM ELEV 5640.00

0+00	5657.3
0+10	5657.2
0+20	5650.2
0+30	5649.5
0+40	5649.3
0+50	5649.7
0+60	5651.1
0+70	5654.2
0+80	5655.3
0+90	5655.3

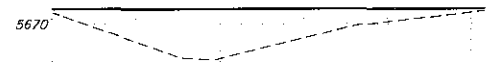
SECTION 1



DATUM ELEV 5655.00

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0+20	5661.8
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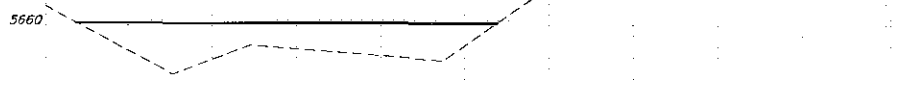
SECTION 3



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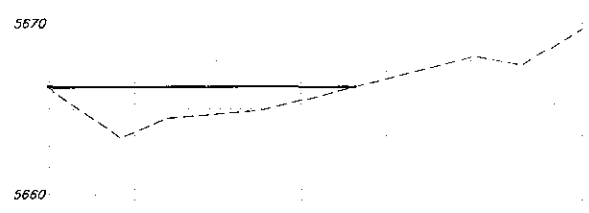
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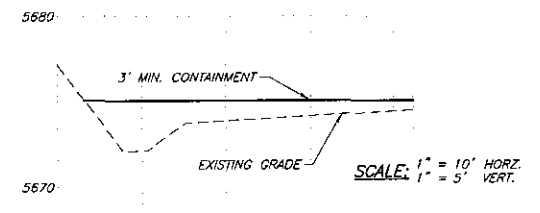
SECTION 2



DATUM ELEV 5655.00

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0+40	5666.8
0+50	5668.0
0+60	5668.7
0+70	5669.7

SECTION 4



DATUM ELEV 5685.00

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0+10	5672.1
0+20	5673.9
0+30	5674.2
0+40	5674.5
0+50	5674.5

SECTION 6

**SCHMUESER GORDON MEYER**  
ENGINEERS | SURVEYORS  
118 W. 6TH STREET, SUITE 200  
GLENWOOD SPRINGS, COLORADO 81601  
(970) 945-1004 FAX (970) 945-5948  
ASPEN, COLORADO (970) 925-6727  
CRESTED BUTTE, CO (970) 349-5355

**LOTS 1-4 (EXHIBIT A)  
OLD ORCHARD SUBDIVISION**

NUM-BER	REVISION	DATE	BY
1	REDUCED BERM BASED ON FIELD SURVEY	10/22/10	RM

**LOT 3 BERMING &  
CROSS-SECTIONS**

Job No. 2009-336.001  
Drawn by: MLC  
Date: 5/20/10  
QC: PE: DMK  
File: OldOrchard-03Berm-25Sec

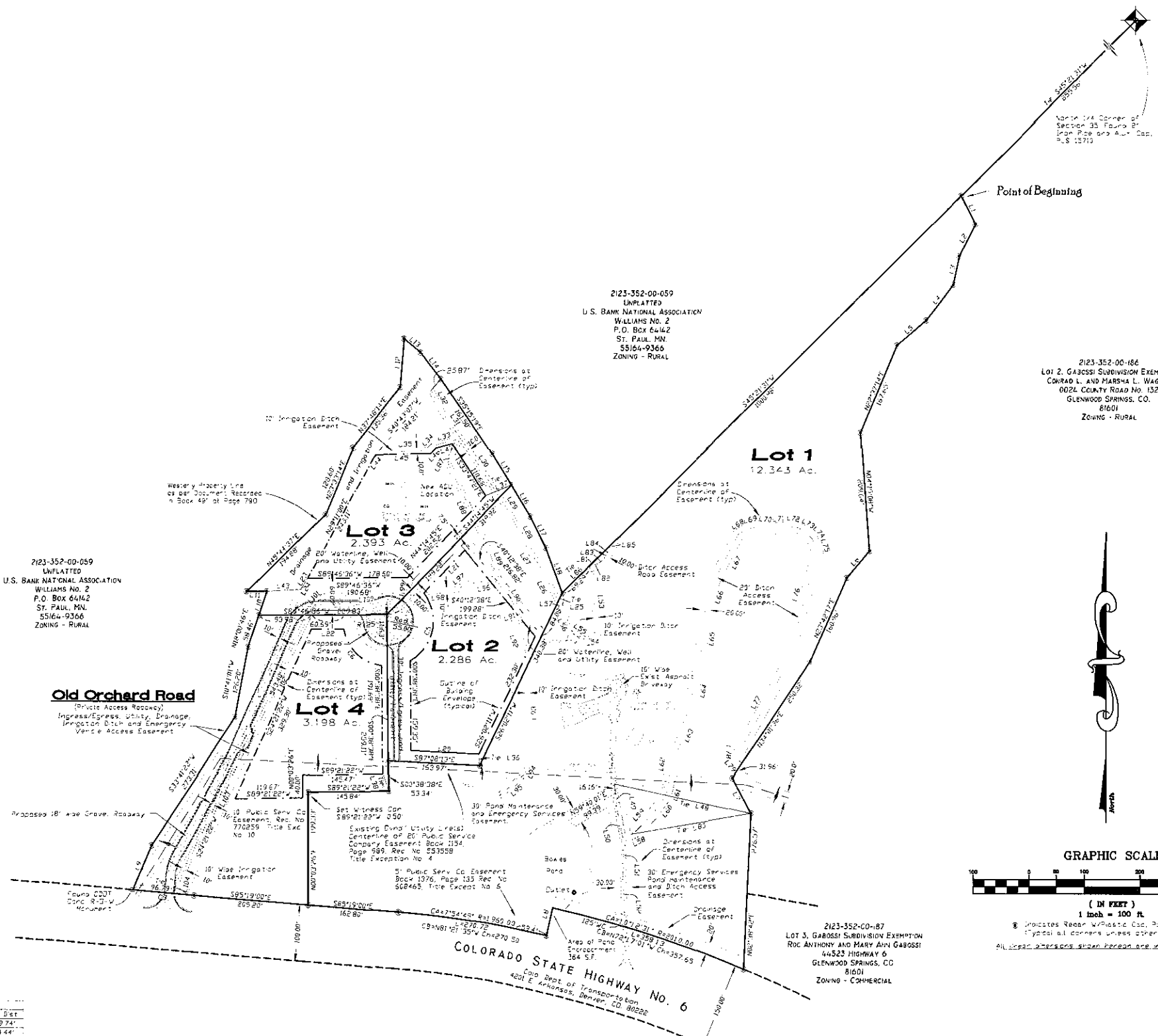
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# Final Subdivision Plat OLD ORCHARD SUBDIVISION

SITUATED IN THE NW1/4 OF SECTION 35, TOWNSHIP 5 SOUTH, RANGE 90 WEST OF THE 6TH P.M.  
COUNTY OF GARFIELD, STATE OF COLORADO

LINE	LENGTH	BEARING
L1	55.72	N83°27'06"W
L2	65.93	N56°11'52"E
L3	51.63	N17°33'04"E
L4	80.15	N37°28'23"E
L5	69.48	N49°48'42"E
L6	63.36	N42°24'58"E
L7	69.89	N59°03'31"W
L8	55.07	N33°12'05"E
L9	85.51	S29°20'14"W
L10	44.85	N18°07'46"E
L11	74.76	N65°42'59"W
L12	85.53	S51°22'29"W
L13	33.18	S59°44'37"E
L14	55.61	S77°33'49"E
L15	55.07	N31°52'13"W
L16	65.88	N21°58'13"W
L17	62.07	N64°55'28"W
L18	64.87	N23°42'31"W
L19	122.81	S87°08'13"E
L20	55.63	S44°14'43"W
L21	55.65	N33°45'36"E
L22	49.27	S39°57'21"W
L23	17.45	S39°31'25"W
L24	16.25	N26°16'11"E
L25	64.95	N27°45'58"W
L26	53.55	N34°36'24"W
L27	55.24	N67°12'55"W
L28	42.19	N52°34'16"W
L29	53.13	N24°19'44"W
L30	54.84	N56°06'05"W
L31	45.45	N25°45'22"W
L32	50.28	S74°24'19"W
L33	31.75	S44°18'39"W
L34	30.61	S88°06'21"W
L35	23.11	N33°44'39"W
L36	58.11	N57°45'11"E
L37	31.62	N19°04'44"W
L38	51.52	S87°09'49"W
L39	6.98	N40°43'07"E
L40	67.28	N58°36'01"E
L41	18.98	N44°18'30"E
L42	30.51	N74°34'10"E
L43	24.52	S78°15'34"E
L44	31.17	S37°19'11"E
L45	52.35	S10°54'01"E
L46	89.34	S20°20'17"W
L47	56.31	S12°12'55"E
L48	184.23	S38°48'04"E
L49	39.44	S83°23'32"E
L50	29.25	N55°44'01"W
L51	34.45	N39°41'48"W
L52	17.63	N23°11'48"W
L53	9.50	N68°11'45"E
L54	44.56	N34°41'55"E
L55	39.44	N34°35'55"E
L56	17.85	N19°12'26"E
L57	58.48	N27°19'26"E
L58	59.77	N33°08'12"E
L59	86.81	N42°26'24"E
L60	79.51	N27°14'55"E
L61	65.23	N28°24'37"E
L62	87.44	N27°42'34"E
L63	17.84	N59°56'25"E
L64	15.32	N75°20'39"E
L65	15.64	S83°20'12"E
L66	19.38	S83°20'12"E
L67	14.27	S81°45'38"E
L68	16.54	S62°28'47"E
L69	3.89	S44°34'38"E
L70	25.73	S20°36'47"E
L71	24.52	S15°23'05"W
L72	178.16	S28°32'37"W
L73	14.21	S30°11'26"W
L74	6.93	S41°31'18"E
L75	216.27	N67°22'24"E
L76	3.77	S84°03'38"E
L77	13.26	N21°39'25"E
L78	12.13	N49°44'16"E
L79	21.26	N28°45'34"E
L80	7.63	N69°56'47"E
L81	58.87	N45°15'19"E
L82	49.44	S29°17'59"W
L83	169.58	S26°11'45"E
L84	56.23	S20°14'28"E
L85	84.26	S39°38'55"E
L86	14.84	S55°08'44"W
L87	65.74	S20°15'42"E
L88	137.53	S29°16'14"W
L89	8.98	S26°05'04"W
L90	63.58	S50°16'20"W
L91	52.59	S82°11'35"W
L92	15.44	S33°42'18"W
L93	84.48	S84°11'06"E
L94	34.63	N28°14'58"E

LINE	LENGTH	BEARING	CURVE LENGTH	RADIUS	CENT ANG	CH BNG	CH DIST
L100	157.83	S87°30'11"W					
L101	233.7	S44°48'17"W	03	109.74	589000	126.23	584745.48
L102	682.99	S25°14'25"W	04	34.65	5000	287.731	539771.51
L103	245.77	S25°40'44"W	05	158.97	9000	593.2839	111221.24
L104	37.59	S14°17'53"W	06	100.65	2000	45.5126	545.5126

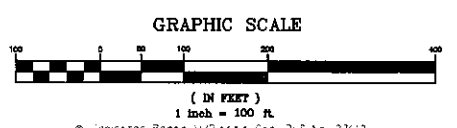


2123-352-00-059  
UNPLATTED  
U.S. BANK NATIONAL ASSOCIATION  
WILLIAMS No. 2  
P.O. Box 64142  
ST. PAUL, MN  
55164-0366  
ZONING - RURAL

2123-352-00-059  
UNPLATTED  
U.S. BANK NATIONAL ASSOCIATION  
WILLIAMS No. 2  
P.O. Box 64142  
ST. PAUL, MN  
55164-0366  
ZONING - RURAL

2123-352-00-156  
LOT 2, GAROSKI SUBDIVISION EXEMPTION  
CAROL L. AND MARSHA L. WAGNER  
0024 COUNTY ROAD NO. 152  
GLENWOOD SPRINGS, CO.  
81601  
ZONING - RURAL

2123-352-00-187  
LOT 3, GAROSKI SUBDIVISION EXEMPTION  
ROC ANTHONY AND MARY ANN GAROSKI  
44323 HIGHWAY 6  
GLENWOOD SPRINGS, CO  
81601  
ZONING - COMMERCIAL



Sheet 2 of 2

Date: 15/Nov/2010

Drawn By: S. Phelps

Job No: 99.089

**SurvCo, Inc.**  
RTK GPS and Conventional Land Surveying Services  
828-1/2 Grand Avenue  
Post Office Box 2782  
Glenwood Springs, CO, 81602-2782  
Phone: (970) 945-5845 Fax: (970) 945-5846  
Email: survco@gmail.com www.survco-inc.com

# Final Subdivision Plat OLD ORCHARD SUBDIVISION

SITUATED IN THE NW1/4 OF SECTION 35, TOWNSHIP 5 SOUTH, RANGE 90 WEST OF THE 6TH P.M.  
COUNTY OF GARFIELD, STATE OF COLORADO

### Certificate of Dedication and Ownership

The undersigned Rac Anthony Gaboss and Mary Ann Gaboss being sole Owner's in fee simple of all that real property situated in Garfield County, described as follows:

A tract of land being situated in the NW1/4 of Section 35, Township 5 South, Range 90 West of the 6th P.M., County of Garfield, State of Colorado, said tract of land being described by metes and bounds as follows:

Beginning at a point from whence the North 1/4 corner of said Section 35 bears N 45°21'31"E, 855.56 feet, said North 1/4 corner being an iron pipe with an aluminum cap P.S. No. 15710 being found in place, thence S 26°31'08"E, 35.72 feet; thence S 26°11'52"W, 62.99 feet; thence S 11°29'34"W, 51.65 feet; thence S 37°28'23"W, 10.15 feet; thence S 45°45'42"W, 89.45 feet; thence S 22°37'14"W, 167.65 feet; thence S 04°15'08"E, 209.64 feet; thence S 40°24'32"W, 63.16 feet; thence S 23°42'17"W, 160.96 feet; thence S 34°01'36"W, 250.32 feet; thence S 28°03'51"E, 69.80 feet; thence S 02°28'42"W, 276.87 feet to a point on the Northern Right of Way Of Colorado State Highway 6; thence along said Northern Right of Way the following five (5) courses:

1) thence 358.13 feet along the arc of a curve to the left having a radius of 2010.00 feet, a central angle of 107°23' and sub-tending a chord which bears N 72°17'01"W, 357.65 feet;  
2) thence S 13°12'00"W, 50.00 feet;  
3) thence 270.72 feet along the arc of a non-tangent curve to the left having a radius of 1960.00 feet, a central angle of 07°54'49" and sub-tending a chord which bears N 81°21'35"W, 270.50 feet;  
4) thence N 85°19'00"W, 358.00 feet;  
5) thence 109.74 feet along the arc of a curve to the right having a radius of 5680.00 feet, a central angle of 01°06'25" and sub-tending a chord which bears N 84°45'48"W, 109.74 feet.

thence departing said Northern Right of Way and going that line as described in document recorded in Book 491 of Page 790 the following courses:

thence N 23°01'01"E, 80.51 feet; thence N 33°44'22"E, 273.31 feet; thence N 104°10'12"E, 126.20 feet; thence N 18°00'46"E, 102.71 feet; thence N 89°42'53"W, 34.78 feet; thence N 45°44'37"E, 194.88 feet; thence N 23°33'14"E, 128.80 feet; thence N 37°48'14"E, 135.88 feet; thence N 04°12'29"E, 85.53 feet; thence S 04°13'37"E, 38.18 feet; thence S 37°33'49"E, 59.61 feet; thence S 35°15'19"E, 161.60 feet; thence S 31°02'13"E, 130.89 feet; thence S 28°05'22"E, 62.07 feet; thence S 20°42'31"E, 84.87 feet; thence N 45°21'31"E, 1000.98 feet to the Point of Beginning.

containing 20.22 acres, more or less, have caused the described real property to be surveyed, laid out, platted and subdivided into lots and blocks as shown on this Final Plat under the name and style of "OLD ORCHARD SUBDIVISION", a subdivision in the County of Garfield. The Owners do hereby dedicate and set apart all of the streets and roads as shown on the accompanying Plat to the use of the public forever, and hereby dedicate to the Old Orchard Subdivision Homeowners' Association and public utility companies those portions of said real property which are needed as utility easements on the accompanying plat as perpetual easements for the installation and maintenance of utilities, irrigation and drainage facilities including, but not limited to, electric lines, gas lines and telephone lines, together with the right to use interfering trees and bushes, with perpetual rights of ingress and egress for installation and maintenance of such lines. Such easement and rights shall be utilized in a reasonable and prudent manner. All expense for street paving or improvements shall be furnished by the seller or purchaser, not by the County of Garfield.

EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_

Owner: Rac Anthony Gaboss  
44523 Highway 8  
Glenwood Springs, CO, 81601

Owner: Mary Ann Gaboss  
44523 Highway 8  
Glenwood Springs, CO, 81601

STATE OF COLORADO )  
COUNTY OF GARFIELD ) ss

The foregoing Certificate of Dedication and Ownership was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_, by Rac Anthony Gaboss and Mary Ann Gaboss as individuals.

My commission expires: \_\_\_\_\_  
Witness my hand and official seal:  
\_\_\_\_\_  
Notary Public

### Surveyor's Certificate

I, Samuel D. Phelps, do hereby certify that I am a Professional Land Surveyor licensed under the laws of the State of Colorado, that this Plat is a true, correct and complete Plat of the OLD ORCHARD SUBDIVISION, as laid out, platted, dedicated and shown hereon, that such Plat was made from an accurate survey of said property by me, or under my supervision, and correctly shows the location and dimensions of the lots, easements and streets of "OLD ORCHARD SUBDIVISION" as the same are shown upon the ground in compliance with applicable regulations governing the subdivision of land.

In witness whereof, I have set my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_.

Samuel D. Phelps  
Colorado Licensed Professional  
Land Surveyor No. 27613  
For and on Behalf of Surveyor, Inc.

### SURVEYOR'S NOTES

- THIS SURVEY DOES NOT REPRESENT A TITLE SEARCH BY THIS LAND SURVEYOR TO DISCOVER OWNERSHIP, EASEMENTS OF RECORD OR OTHER ENCUMBRANCES WHICH MAY AFFECT THE SUBJECT PROPERTY.
- BEARINGS AND SIZES SHOWN HEREON ARE BASED UPON A CORNER BEARING OF S 42°13'17"W FOR THE LINE FROM THE NORTHWEST CORNER OF LOT 1, A REBAR AND PLASTIC CAP, P.S. NO. 27613 FOUND IN PLACE AND THE NORTH 1/4 CORNER OF SECTION 35, AN ALUMINUM CAP ON AN IRON PIPE, P.S. NO. 15710 FOUND IN PLACE.
- THIS PROPERTY IS SUBJECT TO MINERAL RIGHT RESERVATIONS AND RIGHTS OF WAY FOR DITCHES AND CANALS CONSTRUCTED BY THE AUTHORITY OF THE UNITED STATES AS RESERVED IN PATENT RECORDED OCT. 08, 1887 IN BOOK 388 AT PAGE 31.
- THE 20' WIDE PUBLIC SERVICE EASEMENT SHOWN HEREON IS BASED UPON AN UNRECORDED EASEMENT DOCUMENT PRESENTED TO THIS LAND SURVEYOR BY PRIOR OWNERS.
- THE BOUNDARY DIMENSIONS OF THE SUBJECT PROPERTY ARE BASED UPON A MONUMENTED LAND SURVEY PREPARED BY SCARROW AND WALKER, INC. AND BEING DATED SEPT. 08, 1993.
- DATE OF SURVEY - MARCH, 2009.

NOTICE: (Per C.R.S. 13-80-105 et seq.)  
ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOUR FIRST DISCOVERY OF SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.

### County Commissioners' Certificate

This Plat is approved by the Board of County Commissioners of Garfield County, Colorado, this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_, for filing with the Clerk and Recorder of Garfield County and for conveyance to the County of the public dedications shown hereon, subject to the provision that approval in no way obligates Garfield County for the financing or construction of improvements on lands, public roads, highways or easements dedicated to the public, except as specifically agreed to by the Board of County Commissioners by separate resolution. This approval shall in no way obligate Garfield County for the construction, repair or maintenance of public roads, highways or any other public dedications shown hereon.

\_\_\_\_\_  
Chairman, Board of County Commissioners  
Garfield County, Colorado

Witness my hand and seal of the County of Garfield  
ATTEST: \_\_\_\_\_  
County Clerk

### Certificate of Taxes Paid

I, the undersigned, do hereby certify that the entire amount of taxes and assessments due and payable as of \_\_\_\_\_ upon all parcels of real estate described on this Plat are paid in full.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_.

\_\_\_\_\_  
Treasurer of Garfield County

### County Surveyor's Certificate

Approved for content and form only and not the accuracy of surveys, calculations or drafting, pursuant to C.R.S. §§ 38-5-101 and 102, et seq.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_.

Scott Abrner - Garfield County Surveyor  
109 W. 8th Street, Suite 801  
Glenwood Springs, CO, 81601

### Title Certificate

I, \_\_\_\_\_, an attorney licensed to practice law in the State of Colorado, or agent authorized by a title insurance company, do hereby certify that I have examined the title to all lands shown upon this Plat and that title to such lands is vested in \_\_\_\_\_ free and clear of all liens and encumbrances (including mortgages, deeds of trust, judgments, assessments, contracts and agreements of record affecting the real property in this Plat), except as follows: \_\_\_\_\_

DATED this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_.

TITLE COMPANY: \_\_\_\_\_

Agent  
OR  
\_\_\_\_\_

Attorney  
Colorado Attorney Registration No. \_\_\_\_\_

### Lienholder Consent and Subordination

The undersigned, being the Beneficiary under a Deed of Trust granted by the Owners upon the real property platted and divided as shown upon the within Subdivision Plat, certifies that the undersigned has reviewed the Subdivision Plat and by this certification hereby consents to said Subdivision Plat and to the foregoing thereof. Beneficiary further consents to said Subdivision Plat as stated in the certificate of dedication and ownership executed by the Owners hereon, and hereby subordinates any interest that Beneficiary may have in and to the property subject to such dedication to the entity(ies) or the general public to which such dedication is made.

EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_.

\_\_\_\_\_  
Lienholder

STATE OF COLORADO )  
COUNTY OF GARFIELD ) ss

The foregoing Lienholder Consent and Subordination was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_, by \_\_\_\_\_

My commission expires: \_\_\_\_\_  
Witness my hand and official seal:  
\_\_\_\_\_  
Notary Public

### Title Insurance Commitment Notes

- This plat has been prepared relying upon a title insurance commitment as issued by Land Title Guarantee Company, title insurance commitment order no. 04568305588 and references the following title insurance commitment exceptions:
- Exception No. 1) This property is subject to US Patent Rights as reserved in document recorded in Book 388 of Page 31.
  - Exception No. 2) This property is subject to a Right of Way for ditches and canals constructed by the authority of the United States as reserved in document recorded in Book 388 of Page 31.
  - Exception No. 3) Does not affect the subject property.
  - Exception No. 4) Platted and shown hereon.
  - Exception No. 5) This property is subject to the Terms, Conditions and Provisions of Resolution No. 2002-84 as recorded in Book 1387 of Page 114.
  - Exception No. 6) Platted and shown hereon.
  - Exception No. 7) This property is subject to Easements, Rights of Way and other matters as shown on the Exemption Plat recorded under Reception No. 610839 and the Amended Exemption Plat thereof as recorded under Reception No. 620584.
  - Exception No. 8) This property is subject to the Terms, Conditions and Provisions of Permit as recorded under Reception No. 770883.
  - Exception No. 9) This property is subject to the Terms, Conditions and Provisions of Resolution No. 2003-73 as recorded as recorded under Reception No. 683529.
  - Exception No. 10) Platted and shown hereon.

### County Surveyor's Notes

- No open hearth solid-fuel fireplaces will be allowed anywhere within the subdivision. One (1) new solid-fuel burning stove as defined by C.R.S. 26-7-401, et seq., and the regulation promulgated thereunder, will be allowed in any dwelling unit. All dwelling units will be allowed an unrestricted number of natural gas burning stoves and appliances.
- All exterior lighting shall be the minimum amount necessary and that all exterior lighting shall be directed inward and downward, towards the interior of the subdivision, except that provisions may be made to allow for safety lighting that goes beyond the property boundaries.
- Foundations and individual sewage disposal systems shall be engineered by a Professional Engineer licensed within the State of Colorado.
- Colorado is a "Right to Farm" state pursuant to C.R.S. 35-3-11, et seq. Landowners, residents and visitors must be prepared to accept the activities, sights, sounds and smells of Garfield County's agricultural operations as a normal and necessary aspect of living in a County with a strong rural character and a healthy ranching sector. Those with an urban sensibility may perceive such activities, sights, sounds, smells only as an inconvenience, nuisance and odor. However, State Law and County Policy provide that ranching, farming and other agricultural activities and operations within Garfield County shall not be considered to be nuisances so long as operated in conformance with the law and in a non-negligent manner. Therefore, all must be prepared to encounter noise, odor, lights, mud, dust, smoke, chemicals, machinery on public roads, livestock on public roads, storage and disposal of manure and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides, any one or more of which may naturally occur as a part of a legal and non-negligent agricultural operation.
- All owners of land, whether ranch or residence, have obligations under State Law and County Regulations with regard to the maintenance of fences and irrigation ditches, control of weeds, keeping livestock and pets under control, using property in accordance with zoning and other aspects of using and maintaining property. Residents and landowners are encouraged to learn about these rights and responsibilities and act as good neighbors and citizens of the County. A good introductory source for such information is a "Guide to Rural Living and Small Scale Agriculture" put out by the Colorado State University Extension Office in Garfield County.
- There shall be an automatic fire suppression system installed in all new residences, including ADUs, constructed in the Old Orchard Subdivision. The systems shall be designed to NFPA 13D or NFPA 13R standards. The flow and control valves on the systems shall be monitored by an independent UL Listed Central Station monitoring company.
- All future buildings on Lot 1 shall be located outside of the hazard zone. To establish the extent of this zone at the time of development a debris flow study shall be done. This study shall demonstrate that any structures are outside of this hazard zone prior to the issuance of any and use change and/or building permit.
- Control of noxious weeds is the responsibility of the property owner in compliance with the Colorado Noxious Weed Act and the Garfield County Weed Management Plan.
- A 20 to 30 foot defensible space shall be required around all structures.
- The Bowles Well (Well Permit No. 52968) and Bowles Well No. 2 (Well Permit No. 88858) shall be used for household use and not for irrigation.
- A minimum of 150 gallons of water storage and required booster pump to pressurize the house shall be required for each unit on Lots 2, 3 and 4 using the shared Bowles Well No. 2. The amount of necessary storage shall be confirmed by a Professional Engineer at the time of building permit.
- All roads, as depicted on the accompanying plat, are hereby dedicated and set apart to the Old Orchard Subdivision HOA, an unincorporated HOA, for the use of the members and guests thereof, subject to:  
a) The right of appropriate public utility companies to utilize said roads as utility easements; and  
b) The right of emergency vehicles to make use of such roads in all reasonable circumstances.
- The owners of Lots 2, 3 and 4 have any storage rights to the Bowles Pond for augmentation and fire protection related to the Bowles Well No. 2 well (permit no. 88858). These owners do not have access to the Bowles Pond for livestock and wildlife watering or fish culture (District Court case no. 97 CW 162 and agreements recorded as Reception No's 791617 and 791618).

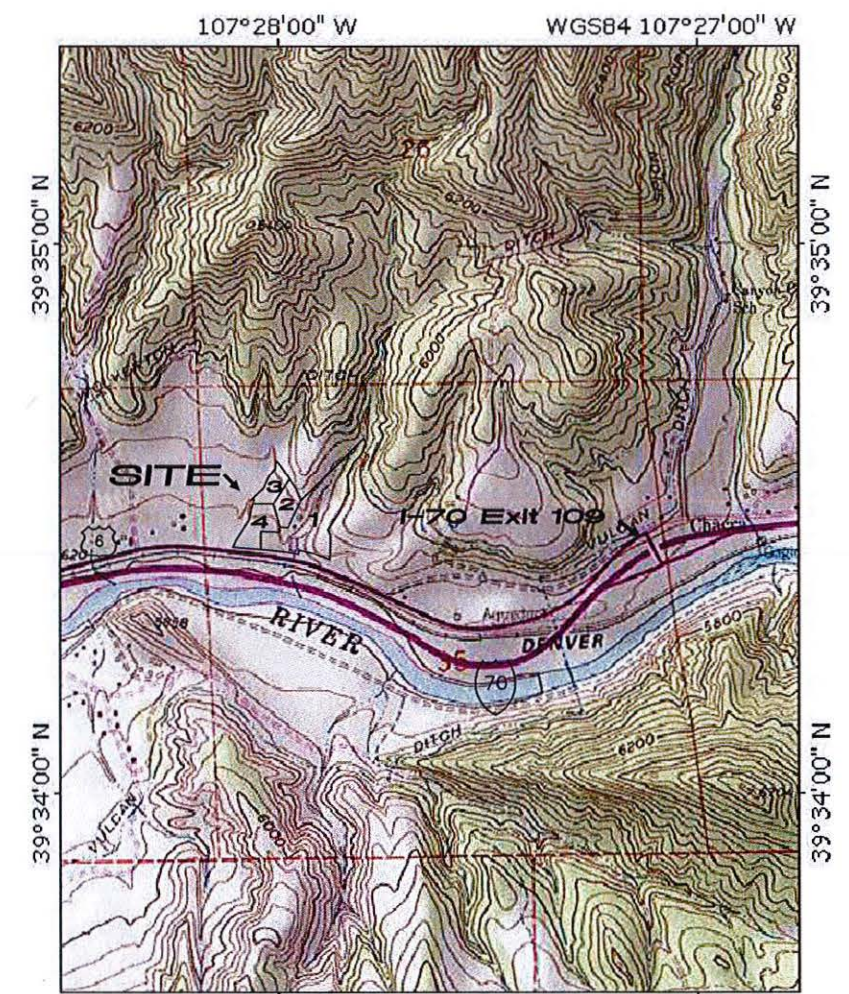
### Land Use Summary

Single Family Residential Lot No.	Square Feet	Acres
Lot 1	537,661	12.343
Lot 2	99,578	2.286
Lot 3	104,231	2.393
Lot 4	132,326	3.058
Total:	880,774	20.220

Total Gross Density - 4 dwelling units per acre  
Existing Zoning - Rural  
(Minimum Lot Size - 2.0 Acres)  
Number of off-street parking spaces Lots 2, 3 and 4 = 2 spaces  
Number of off-street parking spaces Lot 1 = 4 spaces

Building Envelope Areas  
Lot 2 = 1,2006 Acres  
Lot 3 = 1,0348 Acres  
Lot 4 = 1,1350 Acres

Area of Existing Driveway Lot 1 = 8,765 s.f. or 0.201 acres  
Area of Old Orchard Drive = 17,453 s.f. or 0.401 acres



Vicinity Map  
1" = 1000'  
Printed from TOPO! ©2000 Wildflower Productions (www.topo.com)

### Clerk and Recorder's Certificate

This Plat was filed for record in the Office of the Clerk and Recorder of Garfield County, Colorado, at \_\_\_\_\_ o'clock \_\_\_\_\_ on this \_\_\_\_\_ day of 20\_\_\_\_, and is duly recorded as Reception No. \_\_\_\_\_

### Clerk and Recorder

By \_\_\_\_\_ Deputy

Client: Rocky Gaboss	Date: 15/Nov./2010						
Drawn By: S. Phelps	Job No.: 99.089						

**SurvCo, Inc.**  
RTK GPS and Conventional Land Surveying Services  
828-1/2 Grand Avenue  
Post Office Box 2782  
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Phone: (970) 945-5945 Fax: (970) 945-5946  
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# Final Subdivision Plat OLD ORCHARD SUBDIVISION

SITUATED IN THE NW1/4 OF SECTION 35, TOWNSHIP 5 SOUTH, RANGE 90 WEST OF THE 6TH P.M.  
COUNTY OF GARFIELD, STATE OF COLORADO

## Certificate of Dedication and Ownership

The undersigned Roc Anthony Gabossi and Mary Ann Gabossi being sole Owner(s) in fee simple of all that real property situated in Garfield County, described as follows:

A tract of land being situated in the NW1/4 of Section 35, Township 5 South, Range 90 West of the 6th P.M., County of Garfield, State of Colorado, said tract of land being described by metes and bounds as follows:  
Beginning at a point from whence the North 1/4 corner of said Section 35 bears N.45°21'31"E. 855.56 feet, said North 1/4 corner being on an iron pipe with an aluminum cap PLS No. 15710 being found in place; Thence S.26°31'06"E. 55.72 feet; Thence S.26°11'52"W. 62.99 feet; Thence S.11°39'34"W. 51.69 feet; Thence S.37°28'23"W. 80.15 feet; Thence S.49°48'42"W. 68.45 feet; Thence S.22°37'14"W. 187.65 feet; Thence S.04°15'08"E. 209.64 feet; Thence S.40°24'52"W. 63.16 feet; Thence S.23°42'17"W. 160.96 feet; Thence S.34°01'36"W. 250.32 feet; Thence S.28°03'51"E. 69.80 feet; Thence S.02°38'42"W. 276.57 feet to a point on the Northerly Right of Way Of Colorado State Highway 6; Thence along said Northerly Right of Way the following five (5) courses:

- 1) Thence 358.13 feet along the arc of a curve to the left having a radius of 2010.00 feet a central angle of 10°12'31" and sub-tending a chord which bears N.72°17'01"W. 357.65 feet;
- 2) Thence S.13°12'00"W. 50.00 feet;
- 3) Thence 270.72 feet along the arc of a non-tangent curve to the left having a radius of 1960.00 feet, a central angle of 07°54'49" and sub-tending a chord which bears N.81°21'35"W. 270.50 feet;
- 4) Thence N.85°19'00"W. 368.00 feet;
- 5) Thence 109.74 feet along the arc of a curve to the right having a radius of 5680.00 feet, a central angle of 01°06'25" and sub-tending a chord which bears N.84°45'48"W. 109.74 feet.

Thence departing said Northerly Right of Way and along that line as described in document recorded in Book 491 at Page 790 the following courses:  
Thence N.23°00'10"E. 85.51 feet; Thence N.33°41'22"E. 273.31 feet; Thence N.10°41'01"E. 126.20 feet; Thence N.18°00'46"E. 102.71 feet; Thence N.89°42'59"W. 34.78 feet; Thence N.45°44'37"E. 194.88 feet; Thence N.23°33'14"E. 128.60 feet; Thence N.37°28'14"E. 135.68 feet; Thence N.04°22'29"E. 85.53 feet; Thence S.50°44'37"E. 38.18 feet; Thence S.37°33'49"E. 59.61 feet; Thence S.35°15'19"E. 161.50 feet; Thence S.31°52'13"E. 130.89 feet; Thence S.26°55'22"E. 62.07 feet; Thence S.20°42'31"E. 84.87 feet; Thence N.45°21'31"E. 1000.98 feet to the Point of Beginning.

Containing 20.22 acres, more or less, have caused the described real property to be surveyed, laid out, plotted and subdivided into lots and blocks as shown on this Final Plat under the name and style of "OLD ORCHARD SUBDIVISION", a subdivision in the County of Garfield. The Owners do hereby dedicate and set apart all of the streets and roads as shown on the accompanying Plat to the use of the public forever, and hereby dedicate to the Old Orchard Subdivision Homeowner's Association those portions of said real property which are labeled as utility easements on the accompanying Plat as perpetual easements for the installation and maintenance of utilities, irrigation and drainage facilities including, but not limited to, electric lines, gas lines and telephone lines, together with the right to trim interfering trees and brush, with perpetual right of ingress and egress for installation and maintenance of such lines. Such easement and rights shall be utilized in a reasonable and prudent manner. All expense for street paving or improvements shall be furnished by the seller or purchaser, not by the County of Garfield.

EXECUTED this \_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_

Owner: Roc Anthony Gabossi  
Address:  
44523 Highway 6  
Glenwood Springs, CO.  
81601

Owner: Mary Ann Gabossi  
Address:  
44523 Highway 6  
Glenwood Springs, CO.  
81601

STATE OF COLORADO ) : ss  
COUNTY OF GARFIELD )

The foregoing Certificate of Dedication and Ownership was acknowledged before me this \_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_, by Roc Anthony Gabossi and Mary Ann Gabossi as individuals.

My commission expires: \_\_\_\_\_  
Witness my hand and official seal.

Notary Public

## Surveyor's Certificate

I, Samuel D. Phelps, do hereby certify that I am a Professional Land Surveyor licensed under the laws of the State of Colorado, that this Plat is a true, correct and complete Plat of the OLD ORCHARD SUBDIVISION, as laid out, plotted, dedicated and shown hereon, that such Plat was made from an accurate survey of said property by me, or under my supervision, and correctly shows the location and dimensions of the lots, easements and streets of "OLD ORCHARD SUBDIVISION" as the same are staked upon the ground in compliance with applicable regulations governing the subdivision of land.

In witness whereof, I have hereunto set my hand and seal this \_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_



Samuel D. Phelps  
Colorado  
Land Surveyor  
For and on Behalf of SurvCo, Inc.

## SURVEYOR'S NOTES:

- 1) THIS SURVEY DOES NOT REPRESENT A TITLE SEARCH BY THIS LAND SURVEYOR TO DISCOVER OWNERSHIP, EASEMENTS OF RECORD OR OTHER ENCUMBRANCES WHICH MAY AFFECT THE SUBJECT PROPERTY.
- 2) BEARINGS AS SHOWN HEREON ARE BASED UPON A RECORD BEARING OF S.41°21'31"W FOR THE LINE FROM THE NORTHWEST CORNER OF LOT 1, A REBAR AND PLASTIC CAP, PLS NO. 27813 FOUND IN PLACE AND THE NORTH 1/4 CORNER OF SECTION 35, AN ALUMINUM CAP ON AN IRON PIPE, PLS NO. 15710 FOUND IN PLACE.
- 3) THIS PROPERTY IS SUBJECT TO MINERAL RIGHT RESERVATIONS AND RIGHTS OF WAY OR DITCHES AND CANALS CONSTRUCTED BY THE AUTHORITY OF THE UNITED STATES AS RESERVED IN PATENT RECORDED OCT. 06, 1967 IN BOOK 388 AT PAGE 311.
- 4) THE 20' WIDE PUBLIC SERVICE EASEMENT SHOWN HEREON IS BASED UPON AN UNRECORDED EASEMENT DOCUMENT PRESENTED TO THIS LAND SURVEYOR BY PRIOR CLIENTS.
- 5) THE BOUNDARY DIMENSIONS OF THE SUBJECT PROPERTY ARE BASED UPON A MONUMENTED LAND SURVEY PREPARED BY SCARROW AND WALKER, INC. AND BEING DATED SEPT. 08, 1993.
- 6) DATE OF SURVEY - MARCH, 2009.

NOTICE: (Per C.R.S. 13-80-105 et. seq.)  
ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.

## County Commissioners' Certificate

This Plat is approved by the Board of County Commissioners of Garfield County, Colorado, this \_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_, for filing with the Clerk and Recorder of Garfield County and for conveyance to the County of the public dedications shown hereon, subject to the provision that approval in no way obligates Garfield County for the financing or construction of improvements on lands, public roads, highways or easements dedicated to the public, except as specifically agreed to by the Board of County Commissioners by separate resolution.

Chairman, Board of County Commissioners  
Garfield County, Colorado

Witness my hand and seal of the County of Garfield.

ATTEST: \_\_\_\_\_  
County Clerk

## Certificate of Taxes Paid

I, the undersigned, do hereby certify that the entire amount of taxes and assessments due and payable as of \_\_\_\_\_, upon all parcels of real estate described on this Plat are paid in full.

DATED this \_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_

Treasurer of Garfield County

## County Surveyor's Certificate

Approved for content and form only and not the accuracy of surveys, calculations or drafting, pursuant to C.R.S. § 38-51-101 and 102, et seq.

DATED this \_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_

Garfield County Surveyor

## Title Certificate

I, \_\_\_\_\_, an attorney licensed to practice law in the State of Colorado, or agent authorized by a title insurance company, do hereby certify that I have examined the Title to all lands shown upon this Plat and that Title to such lands is vested in \_\_\_\_\_, free and clear of all liens and encumbrances (including mortgages, deeds of trust, judgments, easements, contracts and agreements of record affecting the real property in this Plat), except as follows:

DATED this \_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_

## TITLE COMPANY:

Agent  
OR

Attorney  
Colorado Attorney Registration No. \_\_\_\_\_

## Lienholder Consent and Subordination

The undersigned, being the Beneficiary under a Deed of Trust granted by the Owners upon the real property plotted and divided as shown upon the within Subdivision Plat, certifies that the undersigned has reviewed the Subdivision Plat and by this certification hereby consents to said Subdivision Plat and to the recording thereof. Beneficiary further consents to said Subdivision Plat as stated in the certificate of dedication and ownership executed by the Owners hereon, and hereby subordinates any interest that Beneficiary may have in and to the property subject to such dedication, to the entity(ies) or the general public to which such dedication is made.

EXECUTED this \_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_

Lienholder

STATE OF COLORADO ) : ss  
COUNTY OF GARFIELD )

The foregoing Lienholder Consent and Subordination was acknowledged before me this \_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_, by \_\_\_\_\_

My commission expires: \_\_\_\_\_  
Witness my hand and official seal.

Notary Public

## Easement Holder Consent

The undersigned, holding easements upon the real property which is plotted and subdivided as shown on the within Final Plat, hereby certifies that it has reviewed the within Final Plat and by this certification does hereby consent to said Final Plat and to the recording thereof, and to all dedications made by and upon said Final Plat as stated in the Certification of Dedication and Ownership set forth hereon, and does hereby subordinate any interest that it may have in and to the property subject to such dedications to the entity(ies) to which such dedications are made.

EXECUTED this \_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_

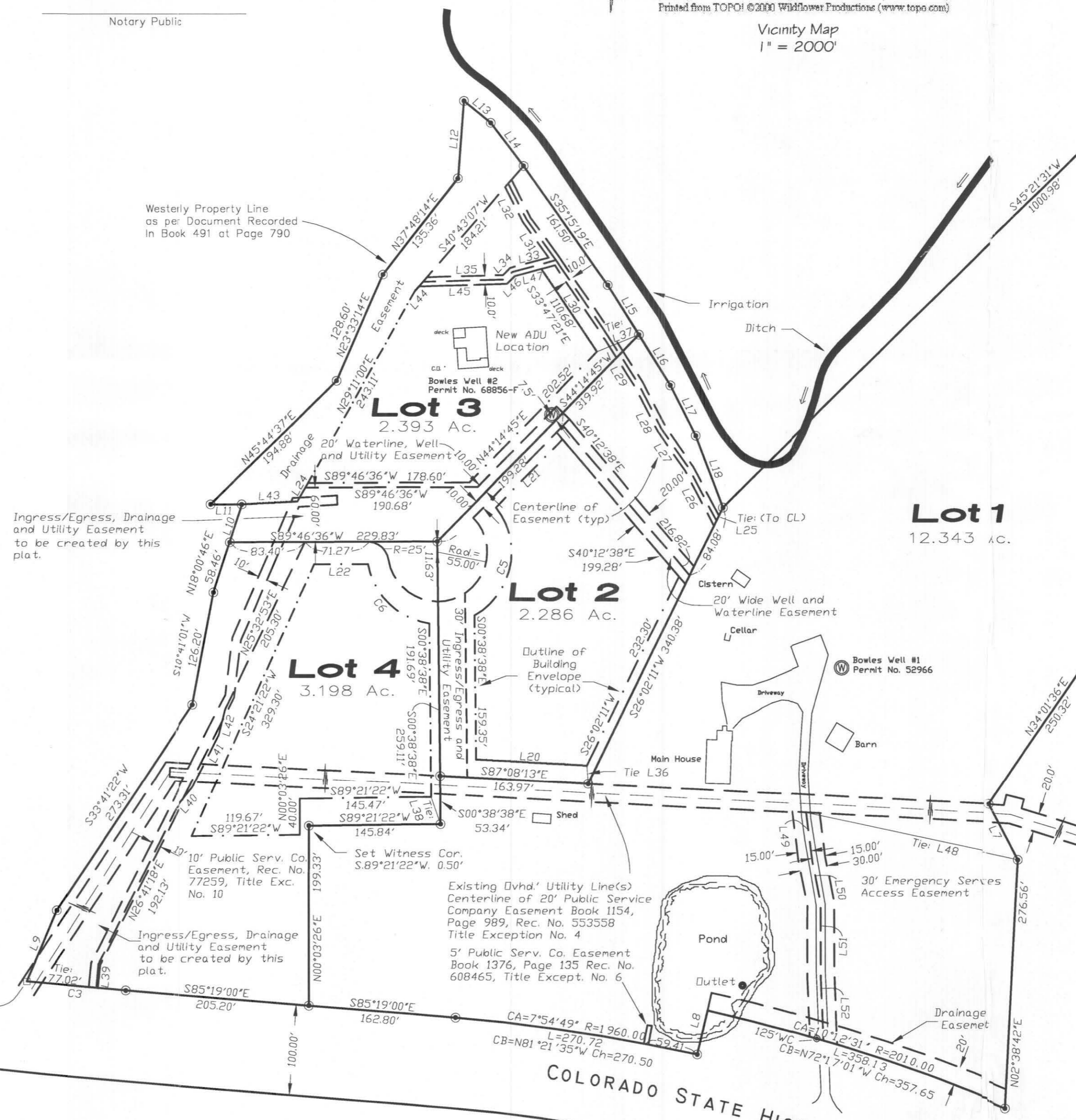
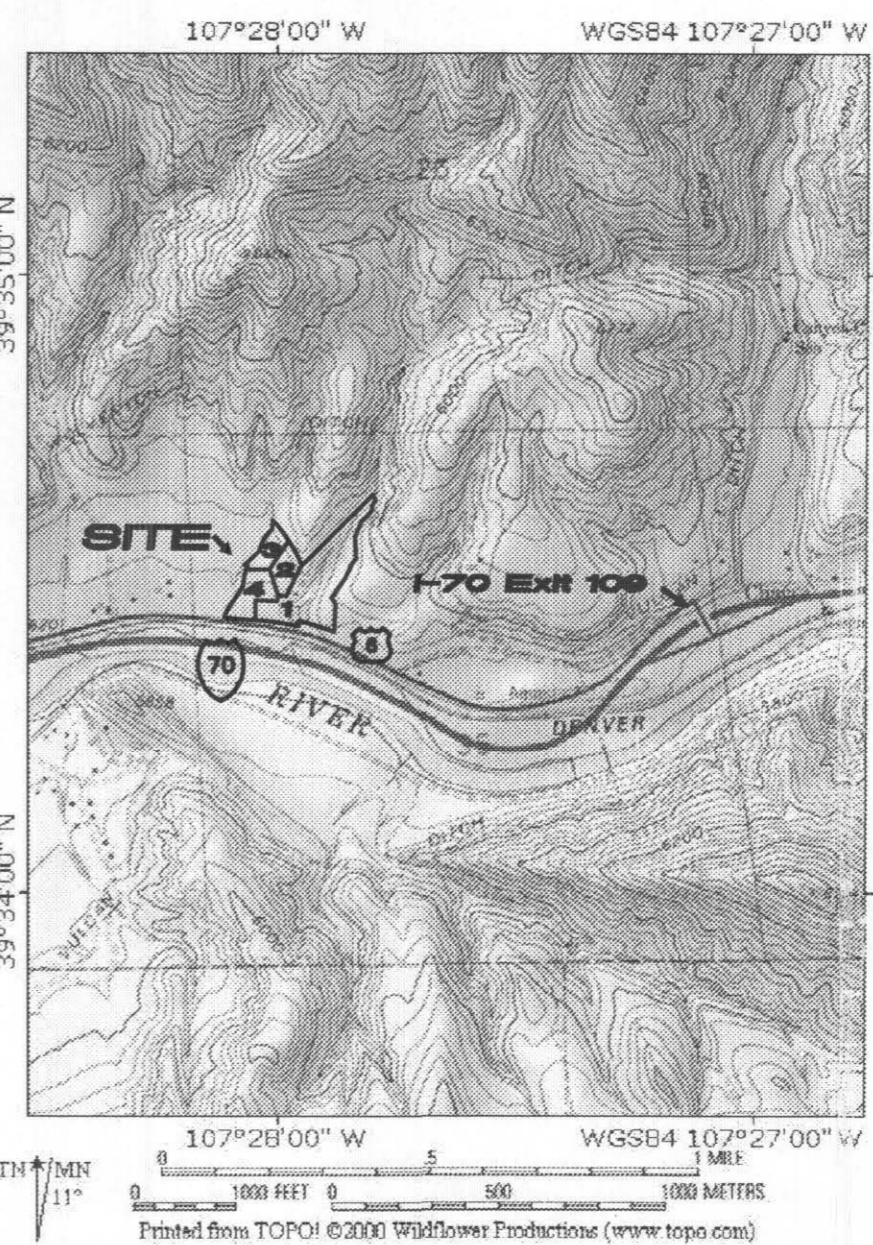
Easement Holder

STATE OF COLORADO ) : ss  
COUNTY OF GARFIELD )

The foregoing Easement Holder Consent was acknowledged before me this \_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_, by \_\_\_\_\_

My commission expires: \_\_\_\_\_  
Witness my hand and official seal.

Notary Public



Lot 1  
12.343 Ac.

Lot 2  
2.286 Ac.

Lot 3  
2.393 Ac.

Lot 4  
3.198 Ac.

## County Required Plat Notes:

- 1) No open hearth solid-fuel fireplaces will be allowed anywhere within the subdivision. One (1) new solid-fuel burning stove as defined by C.R.S. 25-7-401 et. seq., and the regulation promulgated thereunder, will be allowed in any dwelling unit. All dwelling units will be allowed an unrestricted number of natural gas burning stoves and appliances.
- 2) All exterior lighting shall be the minimum amount necessary and that all exterior lighting shall be directed inward, towards the interior of the subdivision, except that provisions may be made to allow for safety lighting that goes beyond the property boundaries.
- 3) Foundations and individual sewage disposal systems shall be engineered by a Professional Engineer licensed within the State of Colorado.
- 3) Colorado is a "Right to Farm" state pursuant to C.R.S. 35-3-101 et. seq. Landowners, residents and visitors must be prepared to accept the activities, sights, sounds and smells of Garfield County's agricultural operations as a normal and necessary aspect of living in a County with a strong rural character and a healthy ranching sector. All must be prepared to encounter noises, odor, lights, mud, dust, smoke, chemicals, machinery on public roads, storage and disposal of manure and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides, any one or more of which may naturally occur as a part of a legal and non-negligent agricultural operation.
- 4) All owners of land, whether ranch or residence, have an obligation under State Law and County Regulations with regard to the maintenance of fences and irrigation ditches, control of weeds, keeping livestock rights and responsibilities and act as good neighbors and citizens of the County. A good introductory source for such information is a "Guide to Rural Living and Small Scale Agriculture" put out by the Colorado State University Extension Office in Garfield County.

CURVE TABLE			
CURVE	LENGTH	RADIUS	Cent. Ang.
C3	109.74'	5680.00'	1°06'25"
C4	24.69'	50.00'	28°17'31"
C5	138.99'	80.00'	99°32'30"
C6	100.65'	80.00'	45°51'26"

## County Required Plat Notes:

There shall be an automatic fire suppression system installed in all new residences, including ADUs, constructed in the Old Orchard Subdivision. The systems shall be designed to NFPA 133 or NFPA 13R standards. The flow and control valves, on the systems, shall be monitored by a fire alarm system that is monitored by an independent UL Listed Central Station monitoring company.

## County Required Plat Note

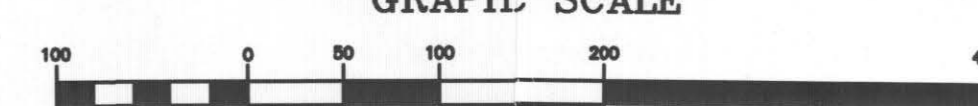
Additional residential building development on Lot 1 shall not be permitted until additional drainage/debris flow analysis has been concluded. Additional residential development may be permitted

## Clerk and Recorder's Certificate

This Plat was filed for record in the Office of the Clerk and Recorder of Garfield County, Colorado, at \_\_\_ o'clock \_\_\_\_\_, on this \_\_\_ day of 20\_\_\_

is duly recorded as Reception No. \_\_\_\_\_

## GRAPHIC SCALE



**Preliminary Plan**

**Lots 1 through 4  
Old Orchard Subdivision**

SITUATED IN THE NW1/4 OF SECTION 35, TOWNSHIP 5 SOUTH, RANGE 90 WEST OF THE 6TH P.M.  
COUNTY OF GARFIELD, STATE OF COLORADO

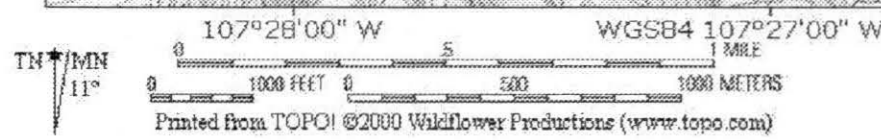
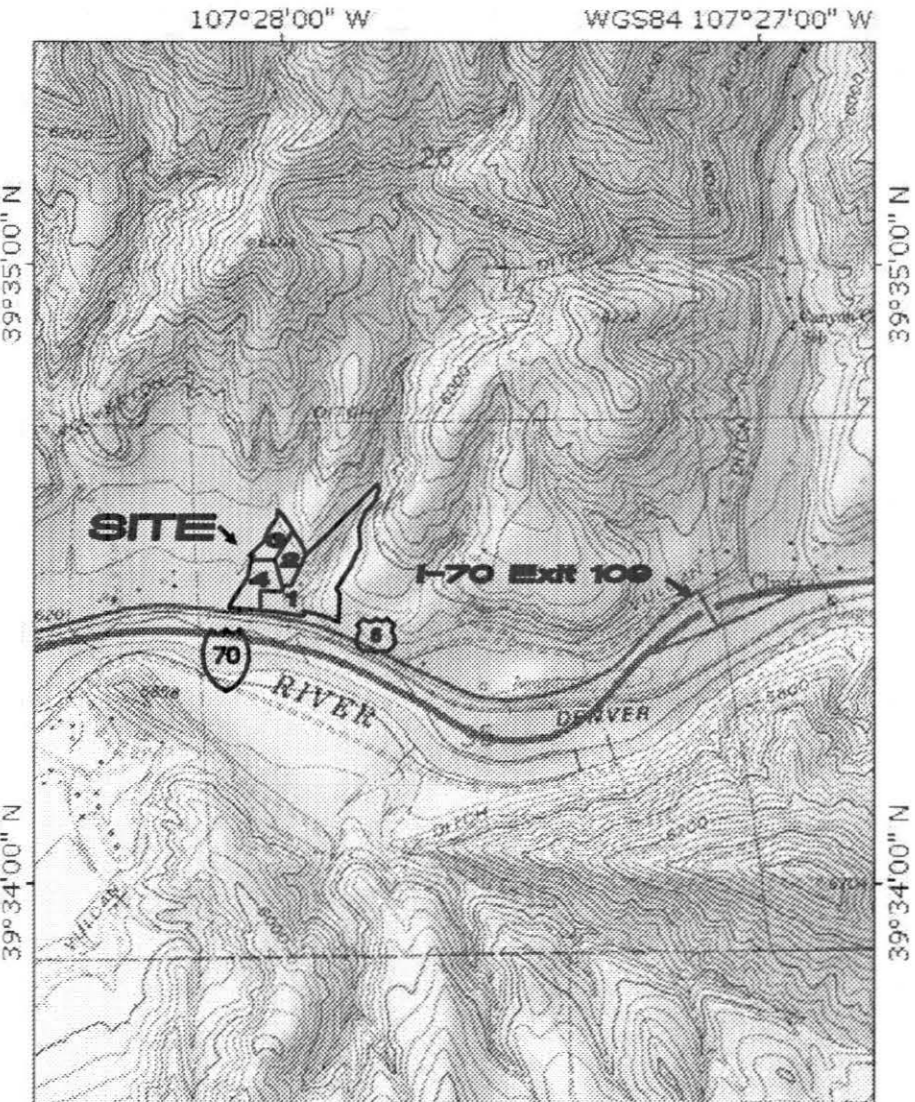
**LAND USE SUMMARY**

SINGLE FAMILY RESIDENTIAL LOT NO.	SQUARE FEET	ACRES
LOT 1	537,661	12.343
LOT 2	99,578	2.286
LOT 3	104,239	2.393
LOT 4	139,505	3.198
<b>TOTAL:</b>	<b>880,783</b>	<b>20.220</b>

EXISTING ZONING - RURAL  
(MINIMUM LOT SIZE - 2.0 ACRES)

NUMBER OF OFF-STREET PARKING PER LOT - 4 SPACES

BUILDING ENVELOPE AREAS  
LOT 2 = 1.2006 ACRES  
LOT 3 = 1.0348 ACRES  
LOT 4 = 1.1350 ACRES



Vicinity Map  
1" = 2000'

2123-352-00-059  
US Bank National Association  
Williams No. 2  
P.O. Box 64142  
ST. PAUL, MN  
55164-9366

Grantee: Lot 1  
10' Irrigation Ditch  
Lateral Easement(s)

Grantee: Lot 1  
Drainage Easement  
along West boundary  
(width varies)

Ingress/Egress, Drainage  
and Utility Easement  
(Prop. Line to fence)  
Grantee: Lots 1-4

**Union Pacific Railroad R-O-W**  
1700 Farnum St., WT 10 S  
Omaha, NE  
68102

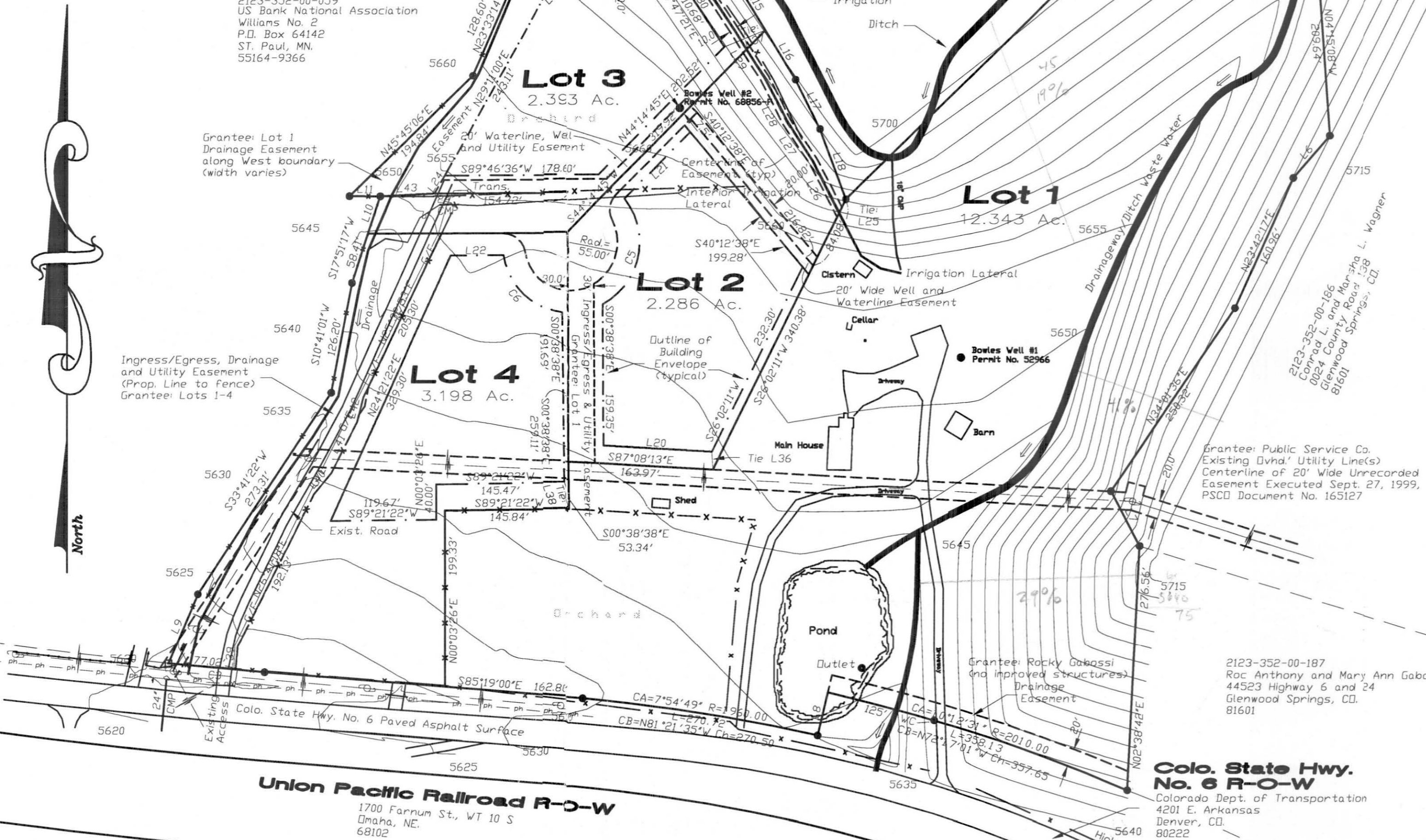
**Interstate 70 Hwy. R-O-W**  
Colorado Dept. of Transportation  
4201 E. Arkansas  
Denver, CO  
80222

**GRAPHIC SCALE**



County Required Plat Note:  
There shall be an automatic fire suppression system installed in all new residences, including ADUs, constructed in the Old Orchard Subdivision. The systems shall be designed to NFPA 13D or NFPA 13R standards. The flow and control valves, on the systems, shall be monitored by a fire alarm system that is monitored by an independent UL Listed Central Station monitoring company.

County Required Plat Note:  
Additional residential development on Lot 1 shall not



KNOW ALL MEN BY THESE PRESENTS:  
THAT THE UNDERSIGNED ROC ANTHONY GABOSSO AND MARY ANN GABOSSO, ARE THE OWNERS OF THAT REAL PROPERTY SITUATED IN THE COUNTY OF GARFIELD, STATE OF COLORADO BEING A PART OF THE NW1/4, SECTION 35 TOWNSHIP 5 SOUTH, RANGE 90 WEST OF THE 6TH P.M., AS SHOWN ON THE ACCOMPANYING PLAT, SAID REAL PROPERTY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**LEGAL DESCRIPTION**  
BEGINNING AT A POINT FROM WHICH THE NORTH 1/4 CORNER OF SAID SECTION 35 BEARS N45°31'31"E 855.56 FEET, SAID NORTH 1/4 CORNER BEING AN IRON PIPE WITH AN ALUMINUM CAP, PLS NO. 15710;  
THENCE S26°31'06"E 55.72 FEET; THENCE S26°11'52"W 62.99 FEET;  
THENCE S11°39'34"W 51.69 FEET; THENCE S37°28'23"W 80.15 FEET;  
THENCE S49°48'42"W 68.45 FEET; THENCE S22°37'14"W 167.65 FEET;  
THENCE S04°15'08"E 209.64 FEET; THENCE S40°24'52"W 63.16 FEET;  
THENCE S23°42'17"W 169.96 FEET; THENCE S34°01'36"W 230.32 FEET;  
THENCE S28°03'51"E 69.80 FEET; THENCE S02°38'42"W 276.57 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY OF STATE HIGHWAY 6 AND 24; THENCE ALONG SAID RIGHT OF WAY THE FOLLOWING 5 COURSES:  
1) THENCE 358.13 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 2010.00 FEET, A CENTRAL ANGLE OF 10°12'31" AND SUB-TENDING A CHORD WHICH BEARS N81°21'35"W 270.50 FEET;  
2) THENCE S13°12'00"W 50.00 FEET;  
3) THENCE 270.72 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1960.00 FEET, A CENTRAL ANGLE OF 0°75'44" AND SUB-TENDING A CHORD WHICH BEARS N81°21'35"W 270.50 FEET;  
4) THENCE N85°19'00"W 368.00 FEET;  
5) THENCE 109.74 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 5680.00 FEET, A CENTRAL ANGLE OF 0°10'25" AND SUB-TENDING A CHORD WHICH BEARS N84°45'48"W 109.74 FEET;  
THENCE DEPARTING SAID RIGHT OF WAY N23°00'10"E 85.51 FEET;  
THENCE N33°41'22"E 273.31 FEET; THENCE N10°41'01"E 126.20 FEET;  
THENCE N18°00'46"E 102.71 FEET; THENCE S79°05'06"E 44.25 FEET;  
THENCE N87°14'08"E 273.76 FEET; THENCE S89°55'42"E 116.11 FEET;  
THENCE N45°21'31"E 1000.98 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 20.220 ACRES, MORE OR LESS.  
ALSO KNOWN AS LDT 1, GABOSSO SUBDIVISION EXEMPTION ACCORDING TO THE PLAT THEREOF AS FILED FOR RECORD UNDER RECEPTION NO. 620584.  
THAT SAID OWNER HAS CAUSED THE SAID REAL PROPERTY TO BE LAID OUT AND SURVEYED AS THE FINAL PLAT OF THE "OLD ORCHARD SUBDIVISION", A SUBDIVISION OF A PART OF GARFIELD COUNTY, COLORADO.  
THAT SAID OWNER(S) DOES HEREBY DEDICATE AND SET APART ALL OF THE STREETS AND ROADS AS SHOWN ON THE ACCOMPANYING PLAT TO THE USE OF THE PUBLIC FOREVER, AND HEREBY DEDICATE TO THE PUBLIC UTILITIES THOSE PORTIONS OF SAID REAL PROPERTY WHICH ARE LABELED AS UTILITY EASEMENTS ON THE ACCOMPANYING PLAT AS PERPETUAL EASEMENTS FOR THE INSTALLATION AND MAINTENANCE OF UTILITIES, IRRIGATION AND DRAINAGE FACILITIES, INCLUDING BUT NOT LIMITED TO ELECTRIC LINES, GAS LINES, TELEPHONE LINES, TOGETHER WITH THE RIGHT TO TRIM INTERFERING TREES AND BRUSH; WITH PERPETUAL RIGHTS OF INGRESS AND EGRESS FOR THE INSTALLATION AND MAINTENANCE OF SUCH LINES.  
THAT ALL EXPENSE FOR STREET PAVING OR IMPROVEMENTS SHALL BE FURNISHED BY THE SELLER OR PURCHASER, NOT BY THE COUNTY OF GARFIELD.

IN WITNESS WHEREOF SAID OWNER HAS CAUSED HIS NAME TO BE HEREUNTO SUBSCRIBED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D., 2010.

BY ROC ANTHONY GABOSSO AND MARY ANN GABOSSO AS INDIVIDUALS.

ROC ANTHONY GABOSSO  
MARY ANN GABOSSO

STATE OF COLORADO) S.S.  
COUNTY OF GARFIELD)

THE FOREGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS DAY OF \_\_\_\_\_, A.D., 2010 BY ROC ANTHONY GABOSSO AND MARY ANN GABOSSO AS INDIVIDUALS.

WITNESS MY HAND AND SEAL:  
NOTARY PUBLIC  
MY COMMISSION EXPIRES: \_\_\_\_\_

LIEN HOLDER'S CERTIFICATE  
THE UNDERSIGNED, BEING THE BENEFICIARY OF A DEED OF TRUST UPON THE REAL PROPERTY WHICH IS PLATTED AND SUBDIVIDED AS SHOWN UPON THIS PLAT, HEREBY CERTIFY THAT IT HAS REVIEWED THIS PLAT AND BY THIS CERTIFICATION DOES HEREBY CONSENT TO SAID SUBDIVISION AND TO THE RECORDING THEREOF AND TO ALL DEDICATIONS MADE BY AND UPON THIS PLAT AS STATED IN THE CERTIFICATION OF DEDICATION AND OWNERSHIP AND DOES HEREBY SUBORDINATE ANY INTEREST IN AND TO THE PROPERTY SUBJECT TO SUCH DEDICATIONS TO THE ENTITIES TO DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

WELLS FARGO HOME MORTGAGE, INC.  
BY: \_\_\_\_\_  
TITLE: \_\_\_\_\_

THE FOREGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_ BY \_\_\_\_\_

WITNESS MY HAND AND SEAL:  
NOTARY PUBLIC

BOARD OF COUNTY COMMISSIONER'S CERTIFICATE  
THIS PLAT, APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OF GARFIELD COUNTY, COLORADO THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 2010 FOR FILING WITH THE CLERK AND RECORDER OF GARFIELD COUNTY AND CONVEYANCE TO THE COUNTY OF THE PUBLIC DEDICATIONS SHOWN HEREON, SUBJECT TO THE PROVISION THAT APPROVAL IN NO WAY OBLIGATES GARFIELD COUNTY FOR THE FINANCING OR CONSTRUCTING OF IMPROVEMENTS ON LANDS, PUBLIC HIGHWAYS OR EASEMENTS DEDICATED TO THE PUBLIC EXCEPT AS SPECIFICALLY AGREED TO BY THE BOARD OF COUNTY COMMISSIONERS AND FURTHER THAT SAID APPROVAL SHALL IN NO WAY OBLIGATE GARFIELD COUNTY FOR THE CONSTRUCTION, REPAIR OR MAINTENANCE OF PUBLIC HIGHWAYS.

BOARD OF COUNTY COMMISSIONERS OF GARFIELD COUNTY, COLORADO  
BY: \_\_\_\_\_ CHAIRMAN  
WITNESS MY HAND AND SEAL OF THE COUNTY OF GARFIELD.

ATTEST: \_\_\_\_\_ COUNTY CLERK

**SURVEYOR'S CERTIFICATION:**  
I, SAMUEL D. PHELPS, DO HEREBY STATE THAT I AM A LICENSED LAND SURVEYOR LICENSED UNDER THE LAWS OF THE STATE OF COLORADO, THAT THIS PLAT IS A TRUE, CORRECT AND COMPLETE PLAT OF THE "OLD ORCHARD SUBDIVISION" AS LAID OUT, PLATTED, DEDICATED AND SHOWN HEREON, THAT SUCH PLAT WAS MADE FROM AN ACCURATE SURVEY OF SAID PROPERTY BY ME AND UNDER MY SUPERVISION AND CORRECTLY SHOWS THE LOCATION AND DIMENSIONS OF THE LOTS, EASEMENTS, AND STREETS OF SAID SUBDIVISION AS THE SAME ARE STAKED UPON THE GROUND IN COMPLIANCE WITH APPLICABLE REGULATIONS GOVERNING THE SUBDIVISION OF LAND.

IN WITNESS WHEREOF, I HAVE SET MY HAND AND SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2010.

SAMUEL D. PHELPS  
COLORADO LICENSED  
LAND SURVEYOR NO. 27613  
FOR AND ON BEHALF OF  
SURVCO, INC.

**SURVEYOR'S NOTES:**  
1) THIS SURVEY DOES NOT REPRESENT A TITLE SEARCH BY THIS LAND SURVEYOR TO DISCOVER OWNERSHIP, EASEMENTS OF RECORD OR OTHER ENCUMBRANCES WHICH MAY AFFECT THE SUBJECT PROPERTY.  
NO TITLE INSURANCE COMMITMENT HAS BEEN MADE AVAILABLE TO COMPLETE THIS SURVEY.  
2) BEARINGS AS SHOWN HEREON ARE BASED UPON A RECORD BEARING OF S41°21'31"W FOR THE LINE FROM THE NORTHWEST CORNER OF LOT 1, A REBAR AND PLASTIC CAP, PLS NO. 27613 FOUND IN PLACE AND THE NORTH 1/4 CORNER OF SECTION 35, AN ALUMINUM CAP ON AN IRON PIPE, PLS NO. 15710 FOUND IN PLACE.  
3) THIS PROPERTY IS SUBJECT TO MINERAL RIGHT RESERVATIONS AND RIGHTS OF WAY FOR DITCHES AND CANALS CONSTRUCTED BY THE AUTHORITY OF THE UNITED STATES AS RESERVED IN PATENT RECORDED OCT. 06, 1967 IN BOOK 388 AT PAGE 311.  
4) THE 20' WIDE PUBLIC SERVICE EASEMENT SHOWN HEREON IS BASED UPON AN UNRECORDED EASEMENT DOCUMENT PRESENTED TO THIS LAND SURVEYOR BY PRIOR CLIENTS.  
5) THE BOUNDARY DIMENSIONS OF THE SUBJECT PROPERTY ARE BASED UPON A MONUMENTED LAND SURVEY PREPARED BY SCARROW AND WALKER, INC. AND BEING DATED FEB. 08, 1993.  
6) DATE OF SURVEY - MARCH, 2009.

NOTICE:  
ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.

**COUNTY SURVEYOR'S CERTIFICATE**  
APPROVED FOR CONTENT AND FORM ONLY AND NOT THE ACCURACY OF SURVEYS, CALCULATIONS OR DRAFTING PURSUANT TO C.R.S. 1973, 38-51-101 AND 102 (REVISED).

GARFIELD COUNTY SURVEYOR  
DATE: \_\_\_\_\_

**ATTORNEY'S CERTIFICATE**  
I, \_\_\_\_\_, AN ATTORNEY LICENSED TO PRACTICE LAW IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT ALL DEDICATIONS TO THE PUBLIC, AS DESCRIBED ON THIS FINAL PLAT ARE FREE AND CLEAR OF ANY LIENS, CLAIMS OR ENCUMBRANCES OF RECORD AND FURTHER THAT THIS SUBDIVISION IS IN SUBSTANTIAL COMPLIANCE WITH THE GARFIELD COUNTY UNIFIED LAND USE RESOLUTION OF 2002.

DATE: \_\_\_\_\_

OWNER:  
ROCKY AND MARY GABOSSO  
44523 HIGHWAY 6  
GLENWOOD SPRINGS, CO. 81601  
(970) 945-9673

PLANNER:  
JOHN L. TAUFER AND ASSOCIATES, INC.  
P.O. Box 2271  
GLENWOOD SPRINGS, CO. 81602-2271  
(970) 945-1337 PHONE (970) 945-7914 FAX

ENGINEER:  
SGM, INC.  
118 W. 6TH STREET, SUITE 200  
GLENWOOD SPRINGS, CO. 81601  
PHONE: (970) 945-1004

SURVEYOR: **SurvCo, Inc.**

DATE: 02/March/2009

CLERK AND RECORDER'S CERTIFICATE  
THIS PLAT WAS FILED FOR RECORD IN THE OFFICE OF THE CLERK AND RECORDER OF GARFIELD COUNTY AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M,  
ON THE DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_ AND IS DULY RECORDED  
IN BOOK \_\_\_\_\_ PAGE \_\_\_\_\_ RECEPTION NO. \_\_\_\_\_

ATTEST: \_\_\_\_\_  
CLERK AND RECORDER

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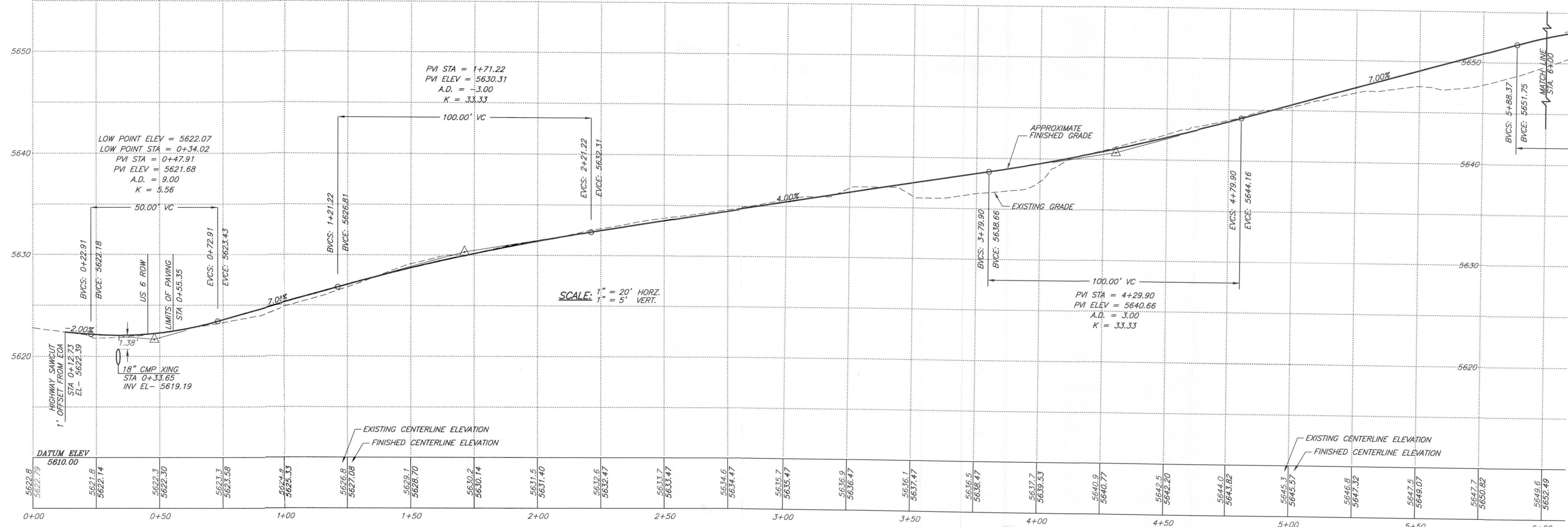
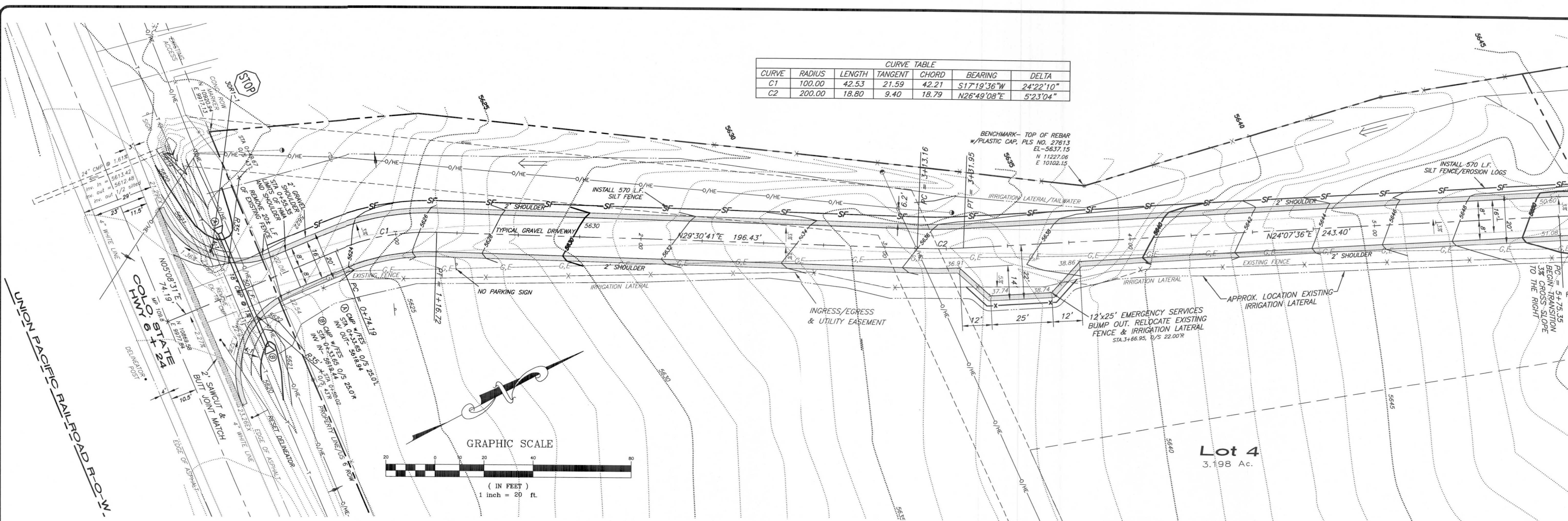
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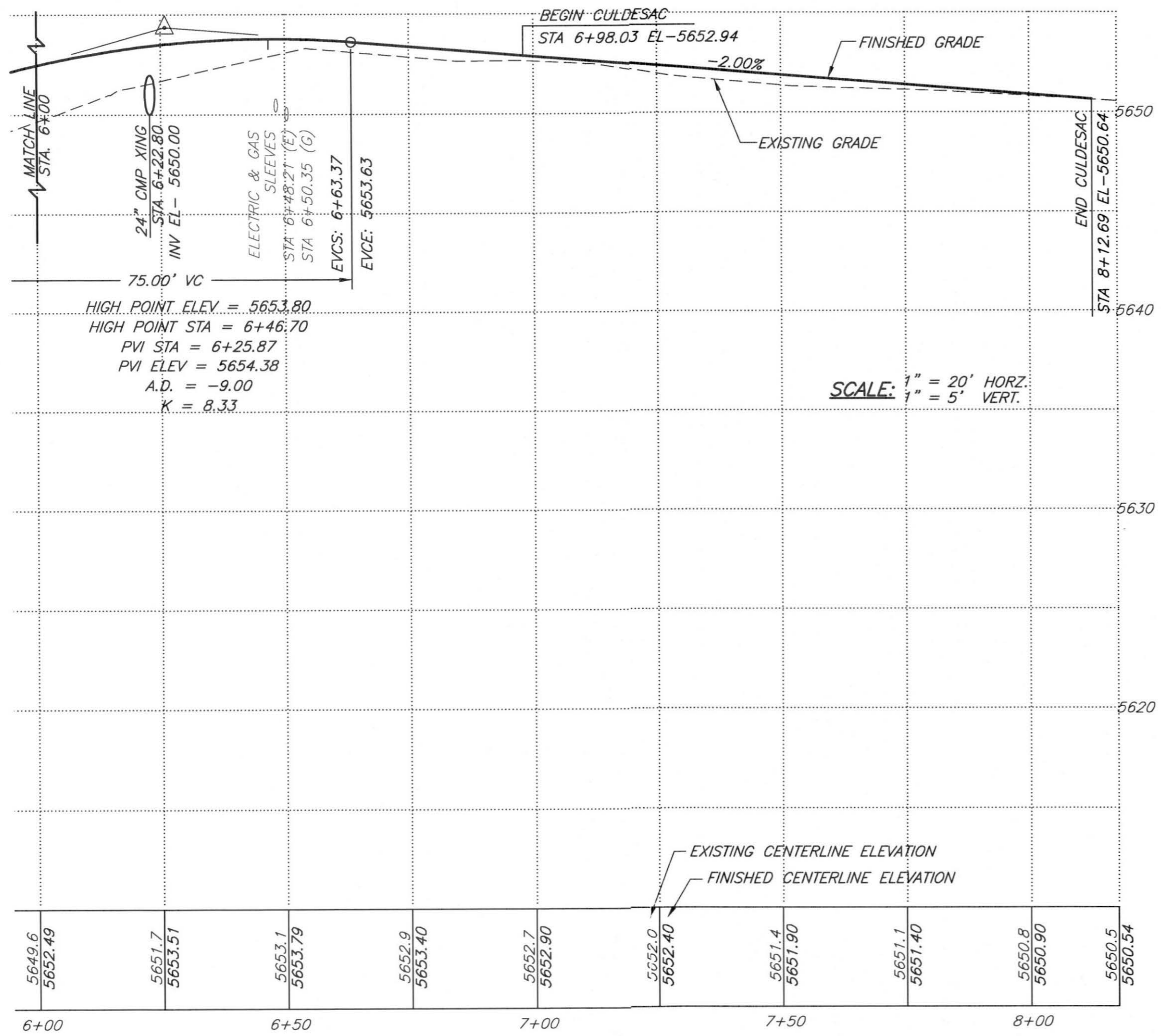
ATTEST: \_\_\_\_\_  
CLERK AND RECORDER

CURVE TABLE						
CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	100.00	42.53	21.59	42.21	S17°19'36"W	24°22'10"
C2	200.00	18.80	9.40	18.79	N26°49'08"E	5°23'04"



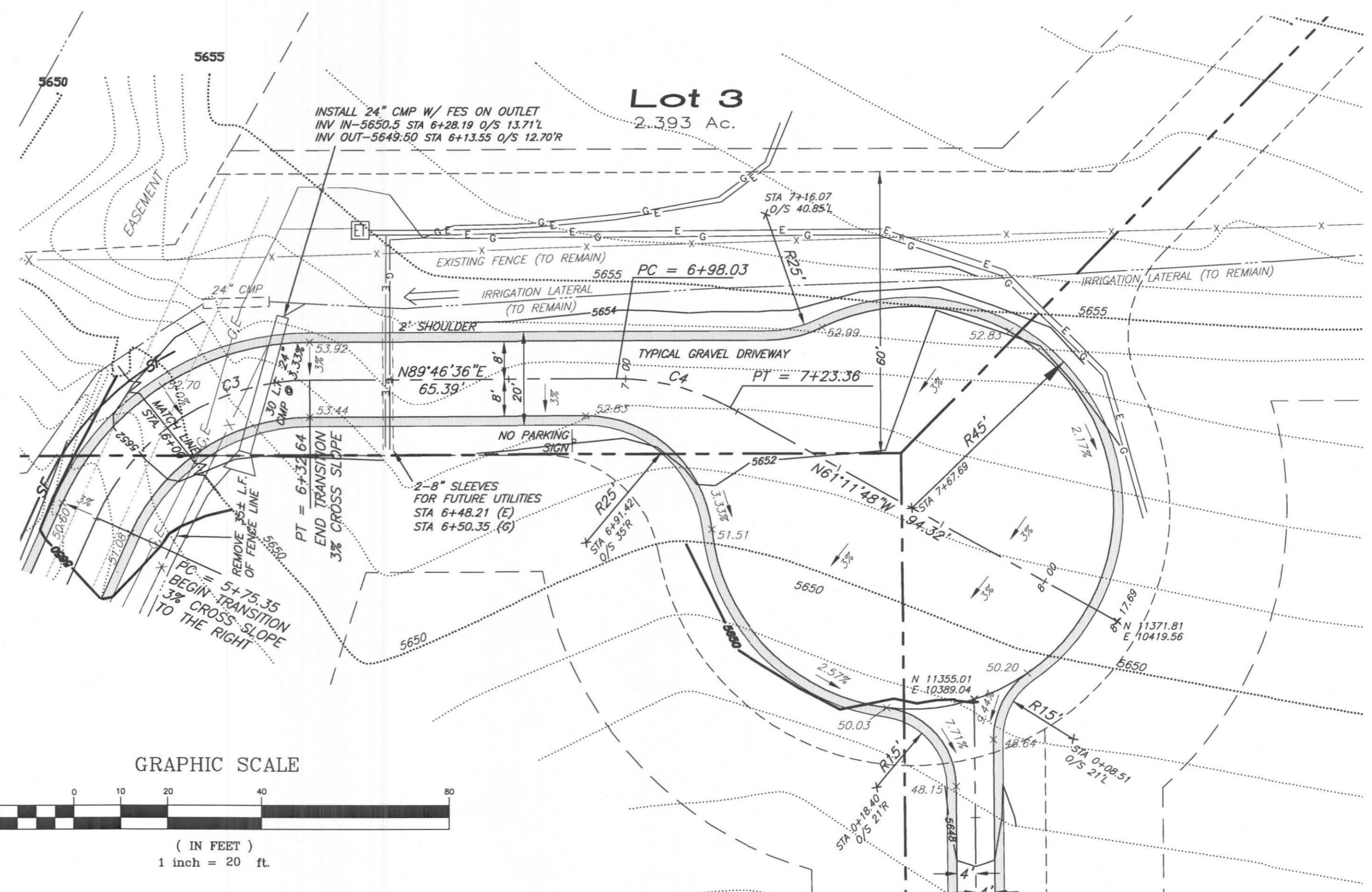


OLD ORCHARD DRIVEWAY PROFILE CONTINUED



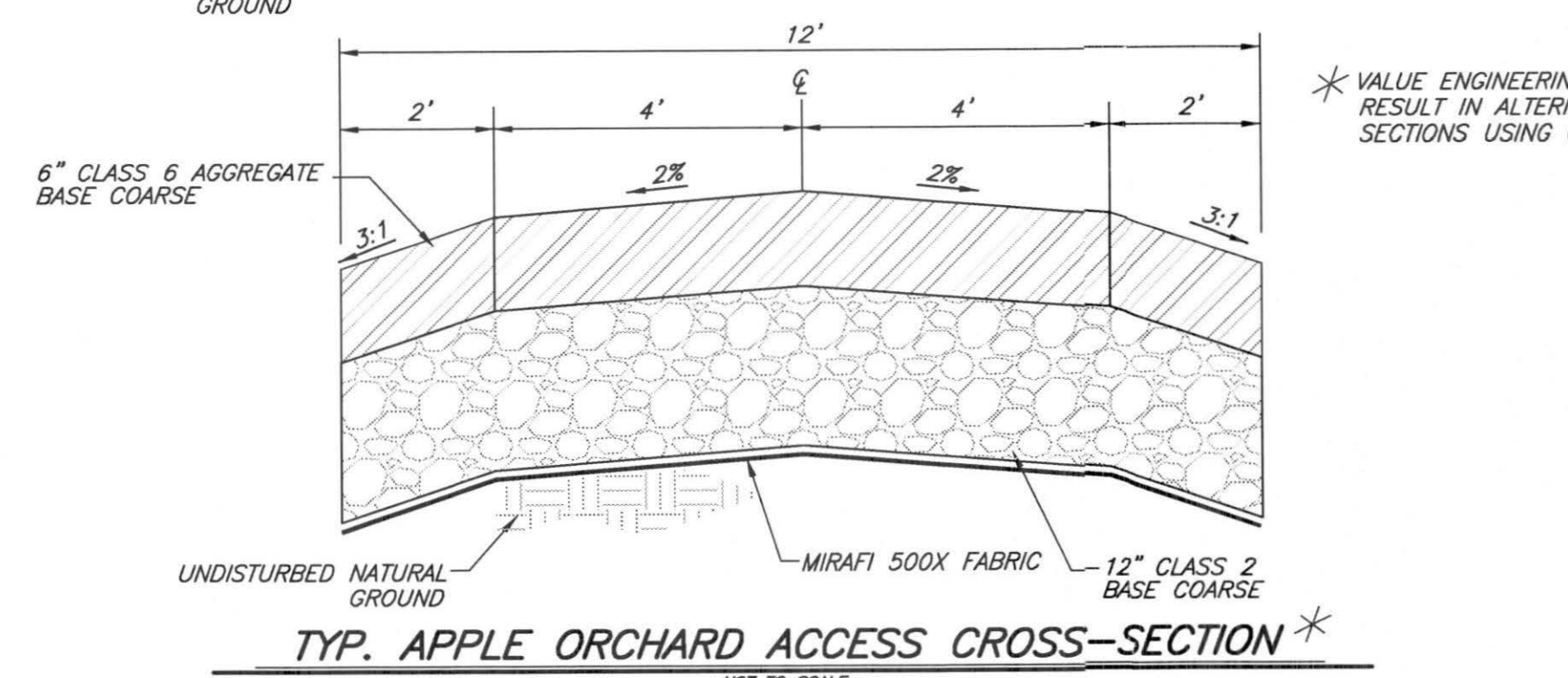
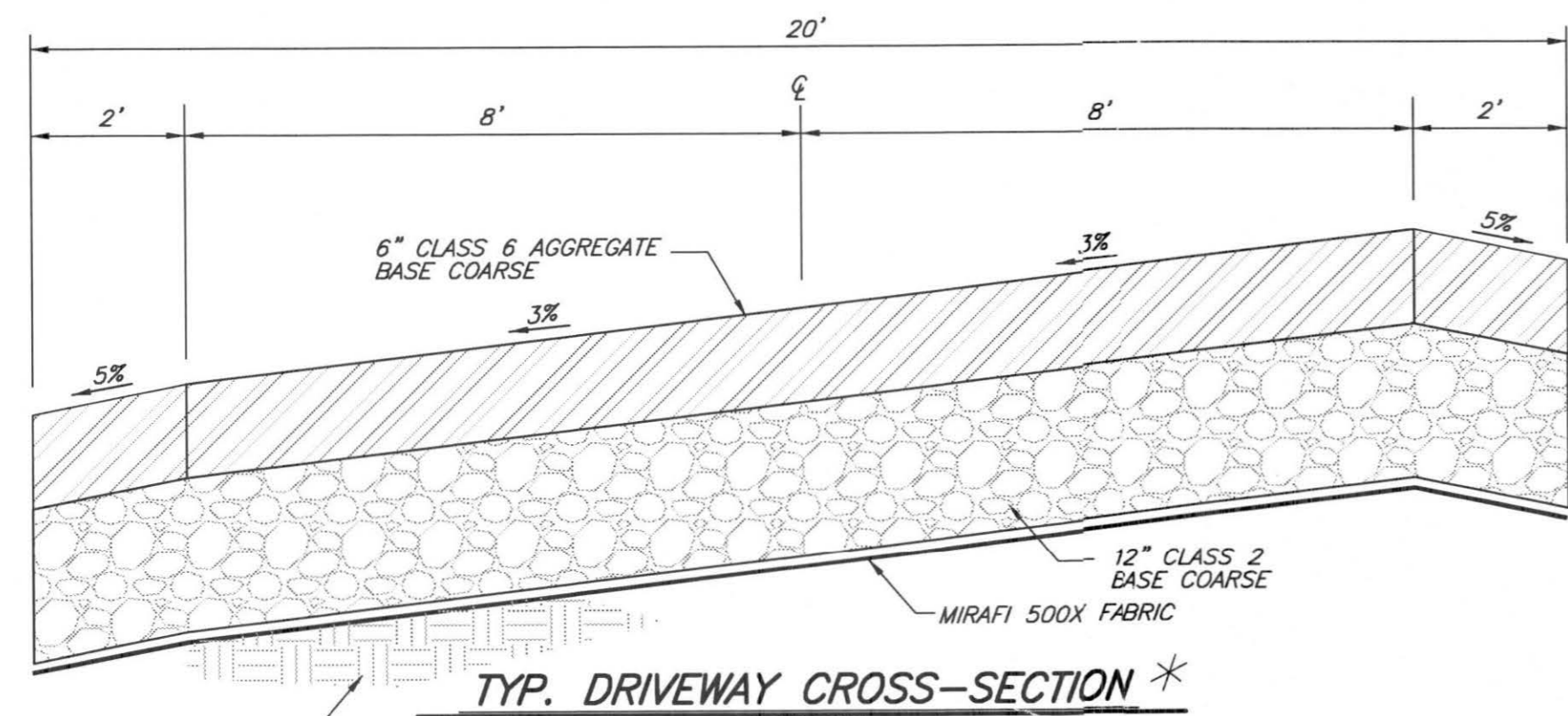
LEGEND

- UTILITY POLE
- EXISTING GROUND SIGN
- PROPOSED GROUND SIGN
- ⊙ BURIED PHONE MARKER
- GUY WIRE
- △ FLARED END SECTION
- ⊕ BOULDER/ROCK
- ⊕ PROPERTY CAP
- ⊕ ELECTRIC TRANSFORMER
- O/H/E OVERHEAD ELECTRIC LINE
- TELEPHONE LINE
- FENCELINE
- SF SILT FENCE
- G,E GAS/ELECTRIC LINES
- G GAS LINE
- E ELECTRIC LINE

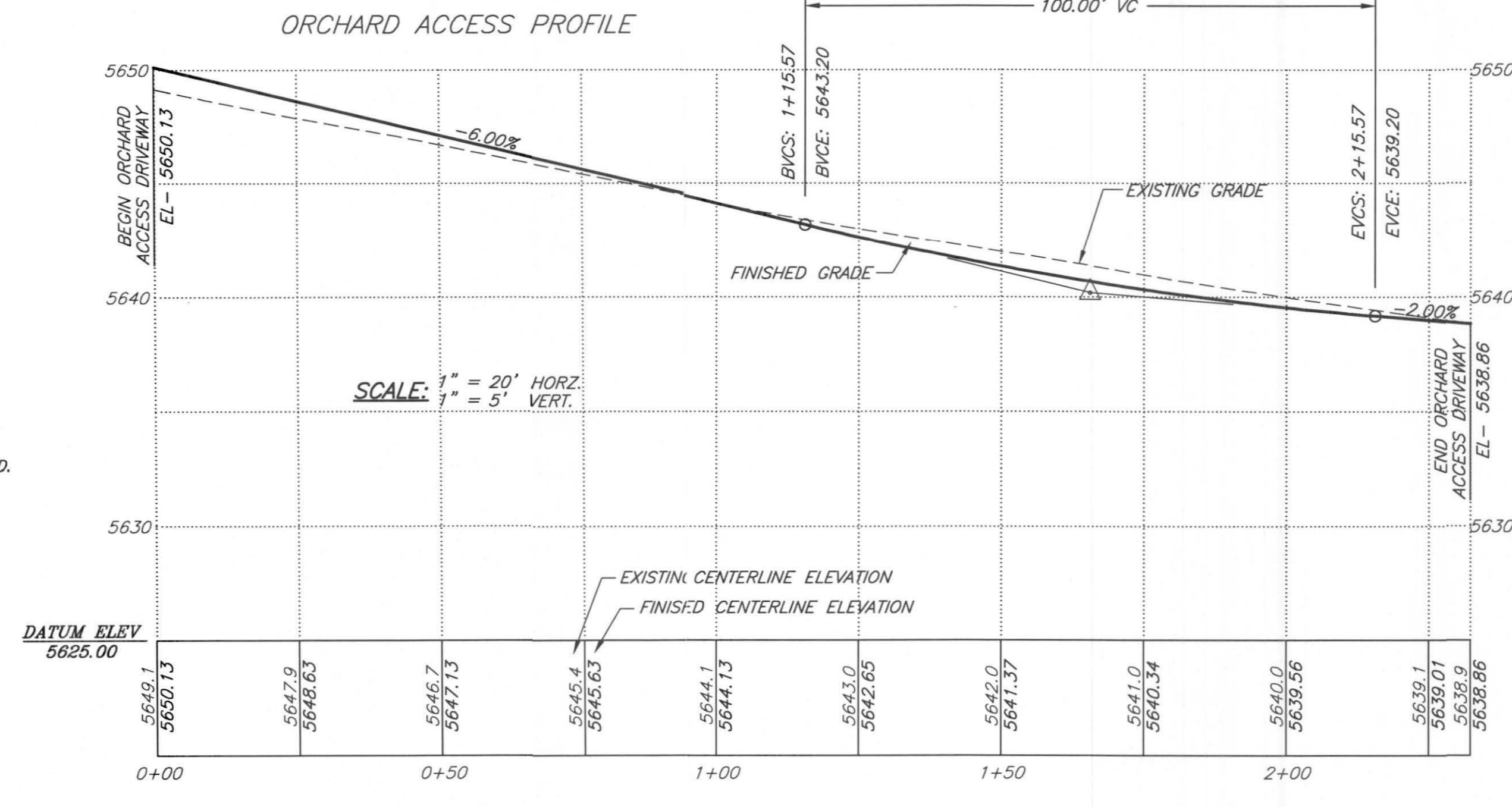


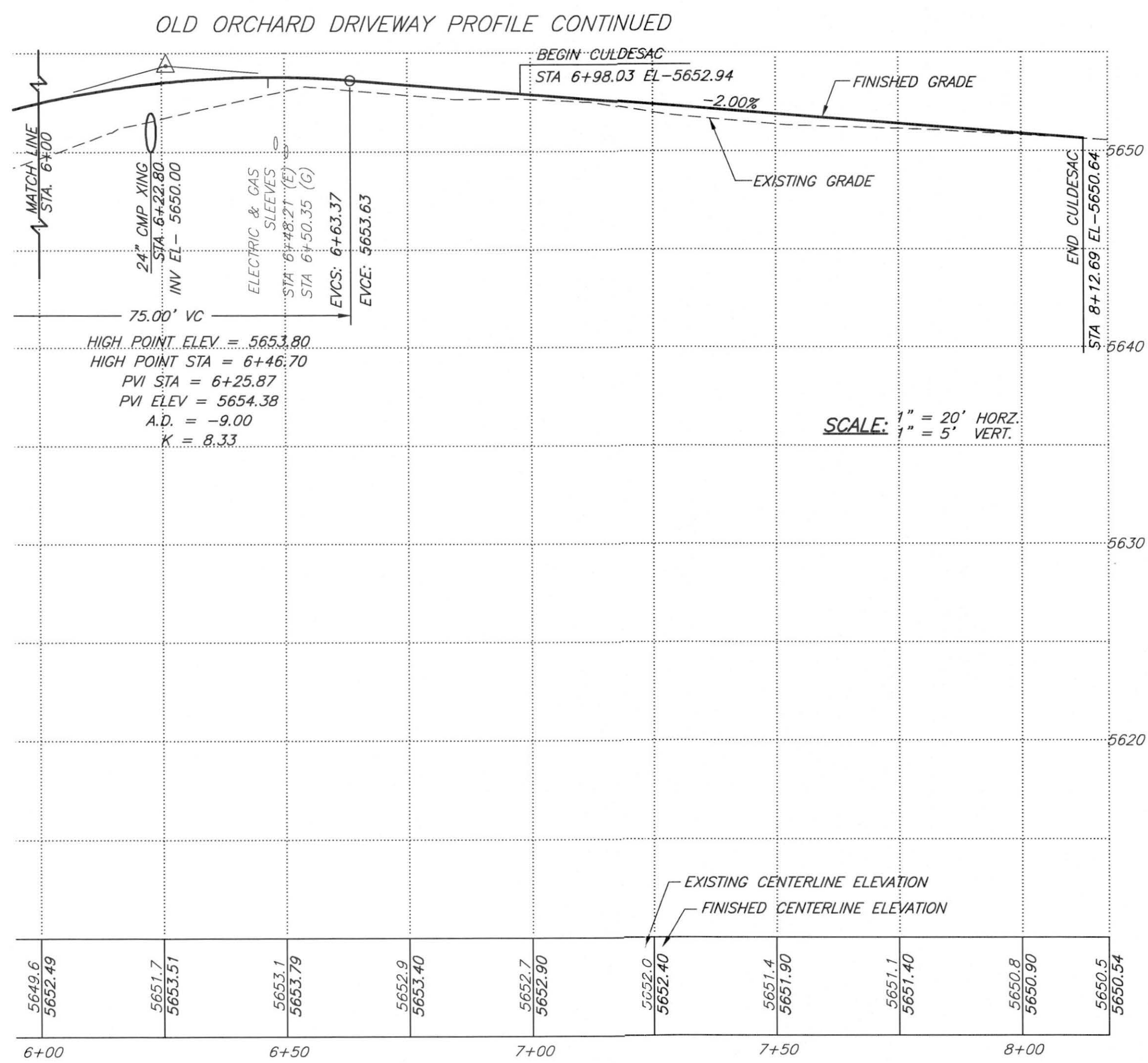
CURVE TABLE

CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C3	50.00	57.29	32.25	54.21	S56°57'06"W	65°38'59"
C4	50.00	25.33	12.94	25.06	N75°42'36"W	29°01'36"



\* VALUE ENGINEERING MAY RESULT IN ALTERNATE SECTIONS USING GEOGRID.



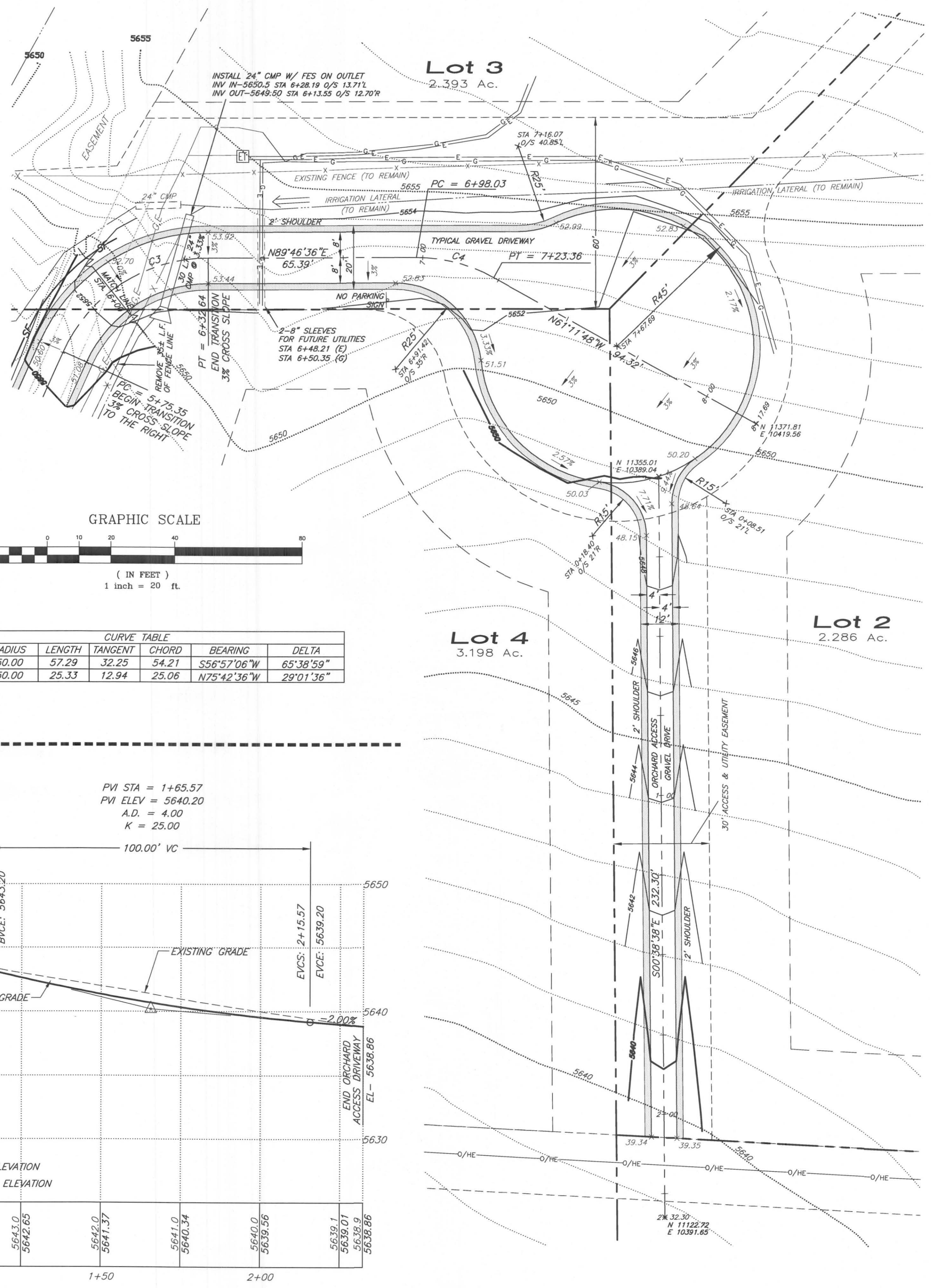
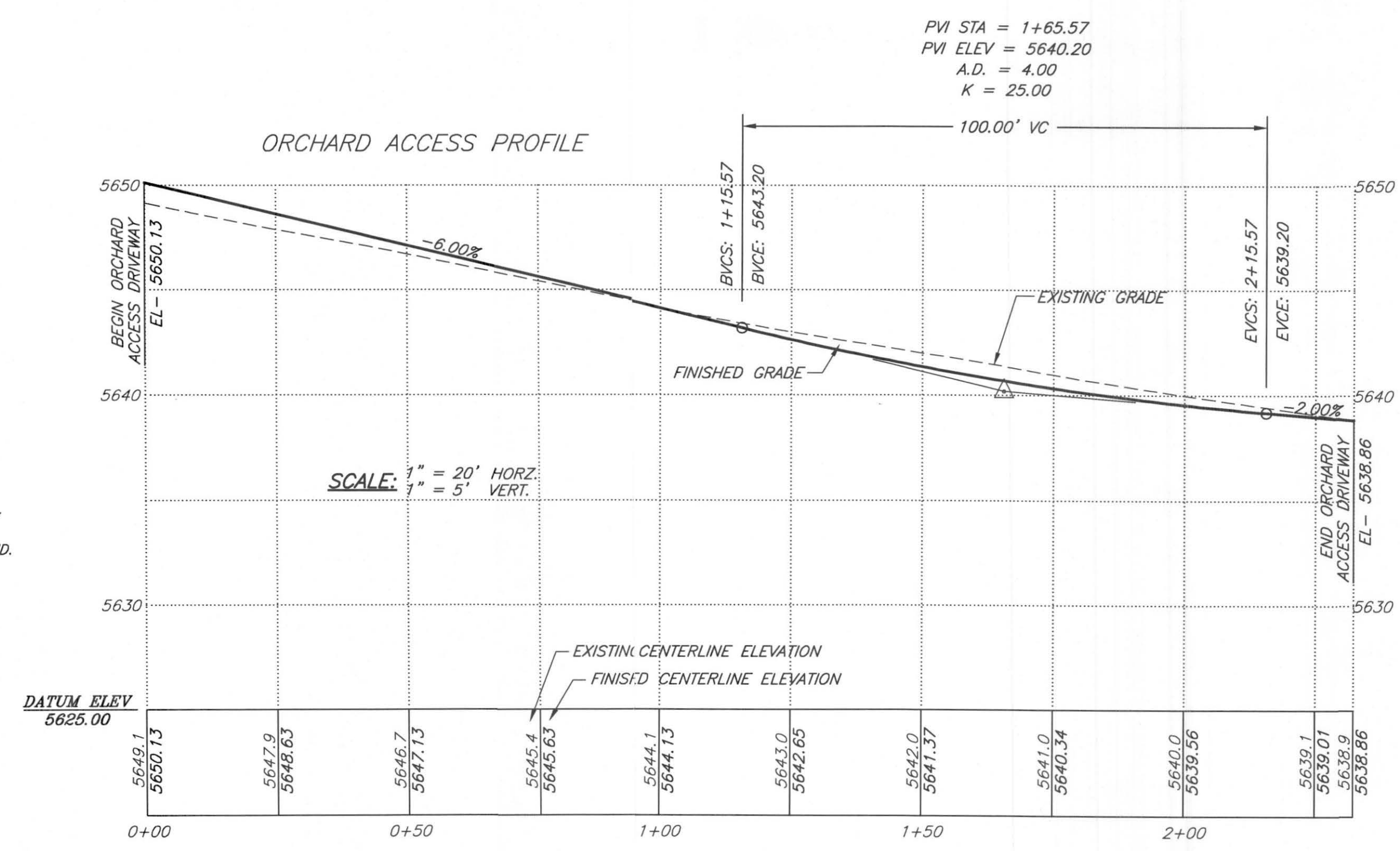
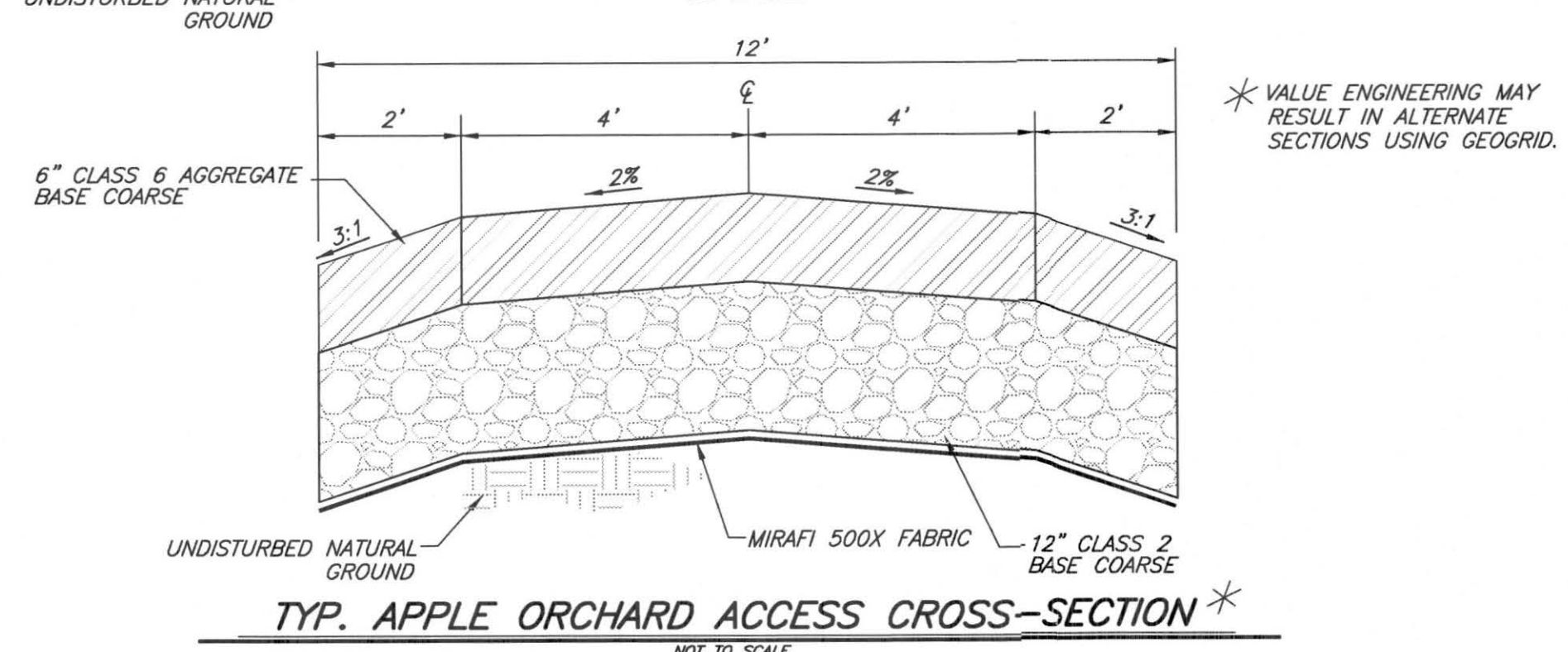
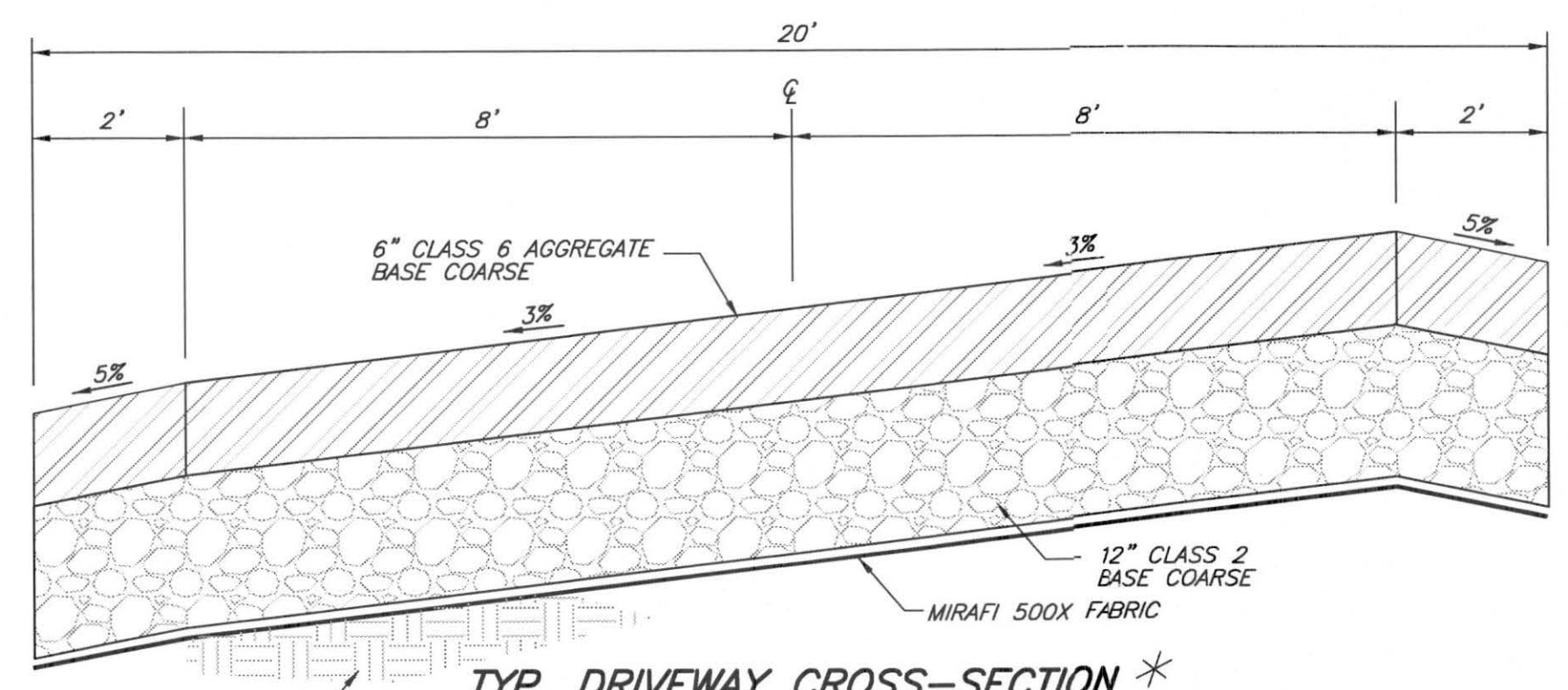
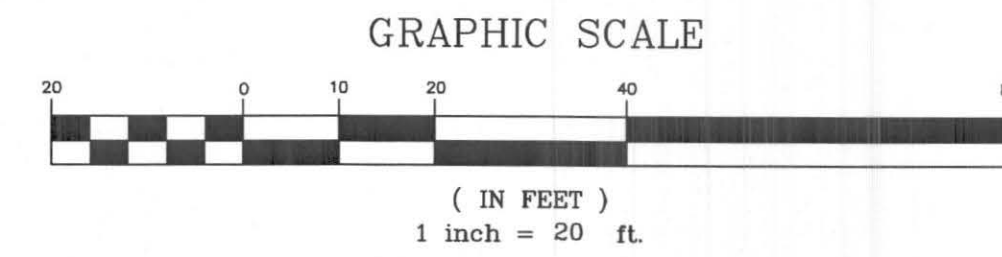


- LEGEND**
- UTILITY POLE
  - EXISTING GROUND SIGN
  - PROPOSED GROUND SIGN
  - ☆ BURIED PHONE MARKER
  - GUY WIRE
  - △ FLARED END SECTION
  - ⊙ BOULDER/ROCK
  - ⊙ PROPERTY CAP
  - ⊙ ELECTRIC TRANSFORMER
  - OVERHEAD ELECTRIC LINE
  - TELEPHONE LINE
  - FENCELINE
  - SILT FENCE
  - G.E. GAS/ELECTRIC LINES
  - GAS LINE
  - ELECTRIC LINE



**CURVE TABLE**

CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C3	50.00	57.29	32.25	54.21	S56°57'06"W	65°38'59"
C4	50.00	25.33	12.94	25.06	N75°42'36"W	29°01'36"



A:\2009\2009-226-001\_Old Orchard Sub\GABOSI DRIVE PP.dwg, Sheet: Mon, 01 Feb 2010 11:22am Plotfile: Plt\_26 Feb 2010 1:54pm.mpl

PRELIMINARY  
NOT  
FOR  
CONSTRUCTION



**SCHMUESER GORDON MEYER**  
118 W. 6TH STREET, SUITE 200  
GLENWOOD SPRINGS, COLORADO 81601  
(970) 945-1004 FAX (970) 945-5948  
ASPEN, COLORADO (970) 925-6727  
CRESTED BUTTE, CO (970) 349-5355

**LOTS 1-4  
OLD ORCHARD SUBDIVISION**

NUM-BER	REVISION	DATE	BY
1	PRELIMINARY/FINAL PLAN	12/16/09	RM
2	REVISED SECTIONS	2/1/10	RM

**DRIVEWAY PLAN  
AND PROFILE**

Job No. 2009-336.001  
Drawn by: JK  
Date: 09-18-09  
QC: PE:  
File: GABOSI DRIVE PP

LINE	DIRECTION	DISTANCE	LINE	DIRECTION	DISTANCE
L1	N37°33'49"W	59.61'	L24	N02°38'42"E	142.25'
L2	N50°44'37"W	38.18'	L25	N08°03'51"W	69.80'
L3	S04°52'59"W	85.93'	L26	N40°54'52"E	63.16'
L4	N26°55'52"W	62.07'	L27	N49°48'42"E	68.43'
L5	S09°42'59"E	34.78'	L28	N37°28'23"E	80.15'
L6	S23°23'14"W	128.60'	L29	N11°39'34"E	81.69'
L7	S37°48'14"W	138.48'	L30	N08°11'52"E	62.99'
L8	N20°42'31"W	84.87'	L31	N26°31'06"W	55.72'
L9	N90°00'00"E	84.81'	L32	N02°38'42"E	134.32'
L10	N75°17'17"E	119.54'	L33	S84°08'31"W	113.80'
L11	N68°56'19"E	119.42'	L34	S80°12'01"E	36.76'
L12	N00°40'50"E	80.42'	L35	N90°00'00"W	38.18'
L13	N79°09'05"E	64.99'	L36	S58°20'18"E	80.34'
L14	N13°12'00"E	50.00'	L37	S74°43'36"W	85.70'
L15	S23°00'10"W	85.91'	L38	S57°32'47"W	12.57'
L16	S18°00'46"W	102.71'	L39	S67°36'36"W	167.80'
L17	N84°18'28"E	105.41'	L40	S65°00'39"E	178.35'
L18	S74°56'17"E	210.39'	L41	S89°59'08"E	161.83'
L19	S68°43'16"E	110.56'	L42	S91°31'55"E	92.56'
L20	S72°59'26"W	101.15'	L43	S88°23'38"E	66.35'
L21	S80°11'51"E	128.20'	L44	S78°49'09"E	184.53'

CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C1	3560.00'	270.72'	270.50'	N81°12'35"W	07°54'49"
C2	5680.00'	109.74'	109.74'	S84°45'48"E	0°06'25"
C3	2010.00'	426.40'	426.60'	N71°18'38"W	12°09'17"
C4	2010.00'	358.13'	357.63'	S72°17'01"E	10°23'31"
C5	2010.00'	68.57'	68.57'	S66°12'23"E	01°56'46"
C6	65.00'	110.42'	97.62'	S31°51'57"E	97°20'09"
C7	515.00'	88.08'	87.98'	S85°06'01"E	09°47'59"
C8	35.00'	19.24'	19.07'	S74°10'39"E	31°33'42"
C9	50.00'	86.53'	76.13'	S07°58'06"W	99°09'21"
C10	500.00'	87.82'	87.71'	N62°34'41"E	10°03'49"
C11	25.00'	33.24'	30.85'	S29°31'10"W	76°10'52"

**COUNTY PLAT NOTES**

1) ONE (1) DOG WILL BE ALLOWED FOR EACH RESIDENTIAL UNIT WITHIN THE SUBDIVISION EXEMPTION AND THE DOG SHALL BE REQUIRED TO BE CONFINED WITHIN THE OWNERS PROPERTY BOUNDARIES.

2) NO FURTHER DIVISIONS BY EXEMPTION FROM THE RULES OF SUBDIVISION WILL BE ALLOWED.

3) ALL RECOMMENDATIONS MADE BY THE GLENWOOD SPRINGS RURAL FIRE PROTECTION DISTRICT SHALL BE FOLLOWED. IN ADDITION, COMPLIANCE SHALL BE REQUIRED FOR THE NFPA 299, STANDARD FOR PROTECTION OF LIFE AND PROPERTY FROM WILDFIRE RECOMMENDATIONS.

4) NO OPEN HEARTH SOLID-FUEL FIREPLACES WILL BE ALLOWED ANYWHERE WITHIN THE SUBDIVISION. ONE (1) NEW SOLID-FUEL BURNING STOVE AS DEFINED BY CRS 25-7-401 ET SEQ. AND THE REGULATIONS PROMULGATED THEREUNDER WILL BE ALLOWED IN ANY DWELLING UNIT. ALL DWELLING UNITS WILL BE ALLOWED AN UNRESTRICTED NUMBER OF NATURAL GAS BURNING STOVES AND APPLIANCES.

5) ALL EXTERIOR LIGHTING SHALL BE THE MINIMUM AMOUNT NECESSARY AND THAT ALL EXTERIOR LIGHTING BE DIRECTED INWARD, TOWARDS THE INTERIOR OF THE SUBDIVISION, EXCEPT THAT PROVISIONS MAY BE MADE TO ALLOW FOR SAFETY LIGHTING THAT GOES BEYOND THE PROPERTY BOUNDARIES.

6) ANY NEW BUILDINGS SHALL AVOID AREAS OF NATURAL DRAINAGE, NATURAL DRAINAGE SHALL BE PRESERVED TO THE MAXIMUM EXTENT POSSIBLE.

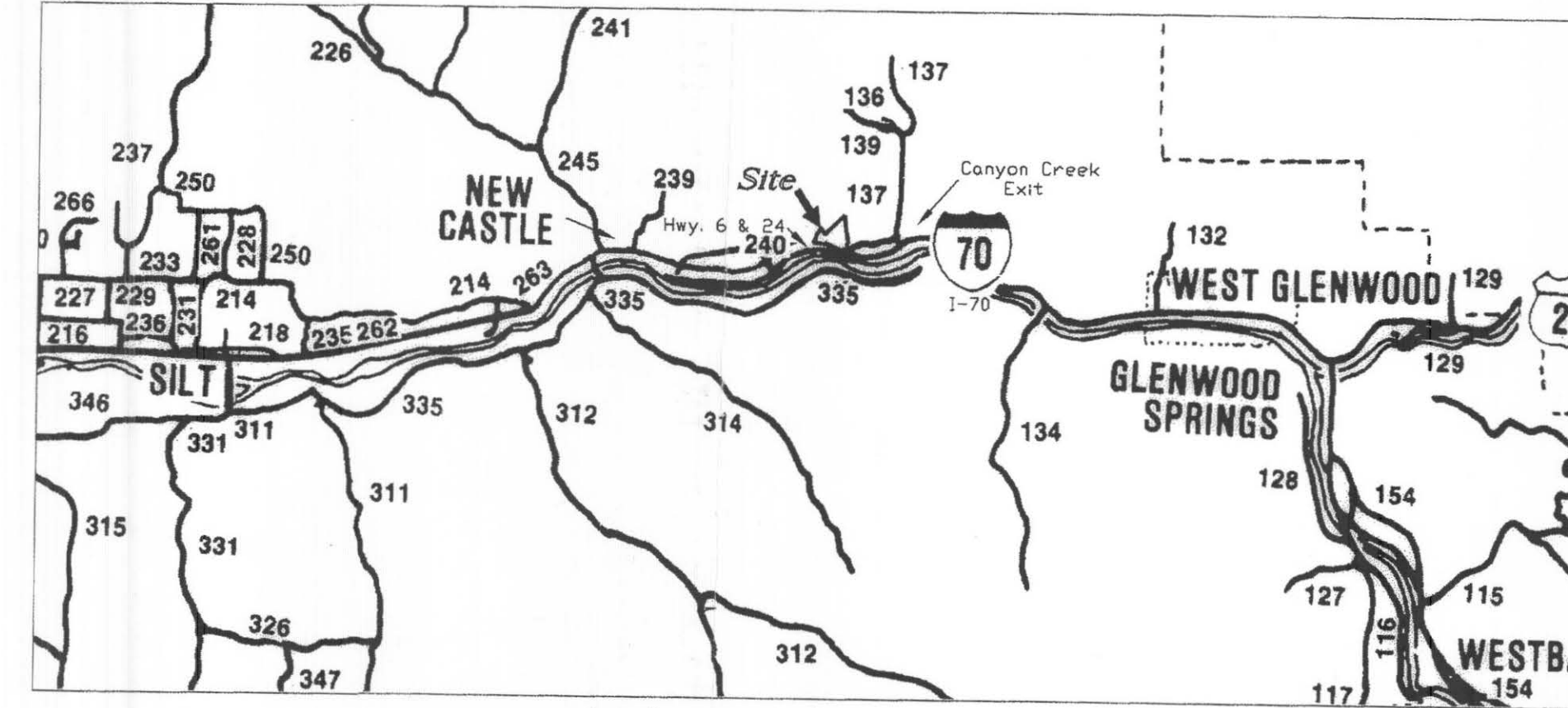
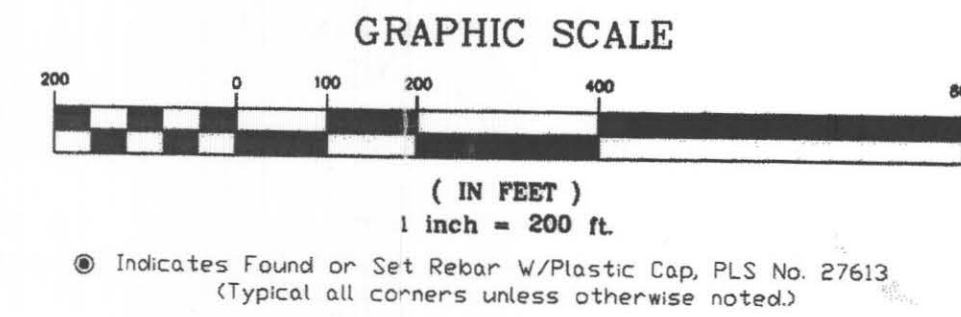
7) FOUNDATIONS AND INDIVIDUAL SEWAGE DISPOSAL SYSTEMS SHALL BE ENGINEERED BY A PROFESSIONAL REGISTERED ENGINEER WITHIN THE STATE OF COLORADO.

8) COLORADO IS A "RIGHT TO FARM" STATE PURSUANT TO C.R.S. 35-3-101, ET SEQ. LANDOWNERS, RESIDENTS AND VISITORS MUST BE PREPARED TO ACCEPT THE ACTIVITIES, SIGHTS, SOUNDS AND SMELLS OF GARFIELD COUNTY'S AGRICULTURAL OPERATIONS AS A NORMAL AND NECESSARY ASPECT OF LIVING IN A COUNTY WITH A STRONG RURAL CHARACTER AND A HEALTHY RANCHING SECTOR. ALL MUST BE PREPARED TO ENDURE NOISES, DODOR, LIGHTS, MUD, DUST, SMOKE, CHEMICALS, MACHINERY ON PUBLIC ROADS, LIVESTOCK IN PUBLIC AREAS, STORAGE AND DISPOSAL OF MANURE AND THE APPLICATION BY SPRAYING OR OTHERWISE OF CHEMICAL FERTILIZERS, SOIL AMENDMENTS, HERBICIDES AND PESTICIDES, ANY ONE OR MORE OF WHICH MAY NATURALLY OCCUR AS A PART OF A LEGAL AND NON-NEGLIGENT AGRICULTURAL OPERATION.

9) ALL OWNERS OF LAND, WHETHER RANCH OR RESIDENCE, HAVE AN OBLIGATION UNDER STATE LAW AND COUNTY REGULATIONS WITH REGARD TO THE MAINTENANCE OF FENCES AND IRRIGATION DITCHES, CONTROL OF WEEDS, KEEPING LIVESTOCK AND PETS UNDER CONTROL, USE OF PROPERTY IN ACCORDANCE WITH ZONING REGULATION AND ANY OTHER ASPECT OF USING AND MAINTAINING PROPERTY. RESIDENTS AND LANDOWNERS ARE ENCOURAGED TO LEARN ABOUT THESE RIGHTS AND RESPONSIBILITIES AND ACT AS GOOD NEIGHBORS AND CITIZENS OF THE COUNTY. A GOOD INTRODUCTORY SOURCE FOR SUCH INFORMATION IS A "GUIDE TO RURAL LIVING AND SMALL SCALE AGRICULTURE" PUT OUT BY THE COLORADO STATE UNIVERSITY EXTENSION OFFICE IN GARFIELD COUNTY.

# GABOSSI EXEMPTION PLAT

## A Tract of Land Being Situated in the NW1/4 of Section 35 Township 5 South, Range 90 West of the 6th P.M. County of Garfield, State of Colorado



**LEGAL DESCRIPTION LOT 1**

A TRACT OF LAND SITUATED IN THE NW1/4 OF SECTION 35, TOWNSHIP 5 SOUTH, RANGE 90 WEST OF THE 6TH P.M., COUNTY OF GARFIELD, STATE OF COLORADO, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A POINT FROM WHICH THE NORTH 1/4 CORNER OF SAID SECTION 35 BEARS N45°21'31"E. 855.56 FEET, SAID NORTH 1/4 CORNER BEING AN IRON PIPE WITH AN ALUMINUM CAP, PLS NO. 15710;

THENCE S26°31'06"E. 55.79 FEET; THENCE S26°11'32"W. 62.99 FEET; THENCE S11°39'34"W. 51.69 FEET; THENCE S37°28'23"W. 80.15 FEET; THENCE S49°48'42"W. 68.45 FEET; THENCE S22°37'14"W. 167.65 FEET; THENCE S04°18'08"E. 209.64 FEET; THENCE S40°24'52"W. 63.16 FEET; THENCE S23°42'17"W. 160.96 FEET; THENCE S34°01'36"W. 290.32 FEET; THENCE S28°03'51"E. 69.80 FEET; THENCE S02°38'42"W. 276.57 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY OF STATE HIGHWAY 6 AND 24;

THENCE ALONG SAID RIGHT OF WAY THE FOLLOWING 5 COURSES:

- 1) THENCE 398.13 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 2010.00 FEET, A CENTRAL ANGLE OF 10°12'31" AND SUB-TENDING A CHORD WHICH BEARS N72°17'01"W. 337.65 FEET;
- 2) THENCE S13°12'00"W. 50.00 FEET;
- 3) THENCE 270.72 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 1960.00 FEET, A CENTRAL ANGLE OF 07°54'49" AND SUB-TENDING A CHORD WHICH BEARS N81°21'35"W. 270.50 FEET;
- 4) THENCE N85°19'00"W. 368.00 FEET;
- 5) THENCE 109.74 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 5680.00 FEET, A CENTRAL ANGLE OF 01°06'25" AND SUB-TENDING A CHORD WHICH BEARS N84°45'48"E. 109.74 FEET;

THENCE N33°41'22"E. 273.31 FEET; THENCE N40°41'01"E. 166.80 FEET; THENCE N37°41'22"E. 273.31 FEET; THENCE S79°05'06"E. 44.25 FEET; THENCE N87°14'09"E. 373.76 FEET; THENCE S83°58'42"E. 116.11 FEET; THENCE N45°21'31"E. 1000.98 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 20.220 ACRES, MORE OR LESS.

**LEGAL DESCRIPTION LOT 2**

A TRACT OF LAND SITUATED IN THE NW1/4 OF SECTION 35, TOWNSHIP 5 SOUTH, RANGE 90 WEST OF THE 6TH P.M., COUNTY OF GARFIELD, STATE OF COLORADO, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NW1/4 CORNER OF SAID SECTION 35, SAID POINT BEING AN IRON PIPE WITH AN ALUMINUM CAP, PLS NO. 15710, THENCE ALONG THE EAST LINE OF SAID NW1/4, 507°03'00"E. 187.00 FEET; THENCE DEPARTING SAID WEST LINE N90°00'00"W. 84.81 FEET; THENCE S00°40'50"W. 80.42 FEET; THENCE S10°10'24"E. 123.46 FEET; THENCE S79°49'36"W. 85.70 FEET; THENCE N58°20'18"W. 80.34 FEET; THENCE 19.34 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 35.00 FEET, A CENTRAL ANGLE OF 31°39'42" AND SUB-TENDING A CHORD WHICH BEARS N85°06'01"W. 87.98 FEET;

THENCE N90°00'00"W. 38.18 FEET;

THENCE 88.08 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 515.00 FEET, A CENTRAL ANGLE OF 09°47'59" AND SUB-TENDING A CHORD WHICH BEARS N85°06'01"W. 87.98 FEET;

THENCE N80°12'01"W. 56.76 FEET;

THENCE 110.42 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 65.00 FEET, A CENTRAL ANGLE OF 97°20'08" AND SUB-TENDING A CHORD WHICH BEARS N31°31'57"W. 97.62 FEET;

THENCE N84°08'31"W. 119.80 FEET; THENCE S84°18'28"E. 105.41 FEET; THENCE N74°56'17"E. 210.39 FEET; THENCE N68°43'16"E. 110.56 FEET; THENCE S72°59'26"W. 101.15 FEET; THENCE N80°11'51"W. 168.20 FEET;

THENCE N02°38'42"E. 142.25 FEET; THENCE N28°03'51"W. 69.80 FEET; THENCE N34°01'36"E. 250.32 FEET; THENCE N23°42'17"E. 160.96 FEET; THENCE N40°24'52"E. 63.16 FEET; THENCE N02°38'42"E. 167.65 FEET; THENCE N49°48'42"E. 68.45 FEET; THENCE N04°18'08"E. 209.64 FEET; THENCE N11°39'34"E. 51.69 FEET; THENCE N26°31'06"W. 55.72 FEET; THENCE N45°21'31"E. 855.56 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 1510.900 SQ.FT. OR 34.685 ACRES, MORE OR LESS.

**LEGAL DESCRIPTION LOT 3**

A TRACT OF LAND SITUATED IN THE NW1/4 OF SECTION 35, TOWNSHIP 5 SOUTH, RANGE 90 WEST OF THE 6TH P.M., COUNTY OF GARFIELD, STATE OF COLORADO, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT FROM WHICH THE NW1/4 CORNER OF SAID SECTION 35 BEARS N10°07'06"E. 1944.83 FEET, SAID POINT BEING AN IRON PIPE WITH AN ALUMINUM CAP, PLS NO. 15710; THENCE S24°46'00"W. 324.52 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY OF STATE HIGHWAY 6 AND 24;

THENCE ALONG SAID RIGHT OF WAY 682.7 FEET ALONG THE ARC OF A CURVE CONTINUING ALONG SAID RIGHT OF WAY 682.7 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 2010.00 FEET, A CENTRAL ANGLE OF 10°12'31" AND SUB-TENDING A CHORD WHICH BEARS N72°17'01"W. 337.65 FEET;

THENCE DEPARTING SAID RIGHT OF WAY N02°38'42"E. 194.82 FEET; THENCE S80°11'51"E. 128.20 FEET; THENCE N72°59'26"E. 101.15 FEET; THENCE S68°43'16"E. 110.56 FEET; THENCE S74°56'17"E. 210.39 FEET; THENCE N87°14'09"E. 373.76 FEET; THENCE S84°08'31"E. 156.66 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 136.553 SQ.FT. OR 3.13 ACRES, MORE OR LESS.

**LEGAL DESCRIPTION LOT 4**

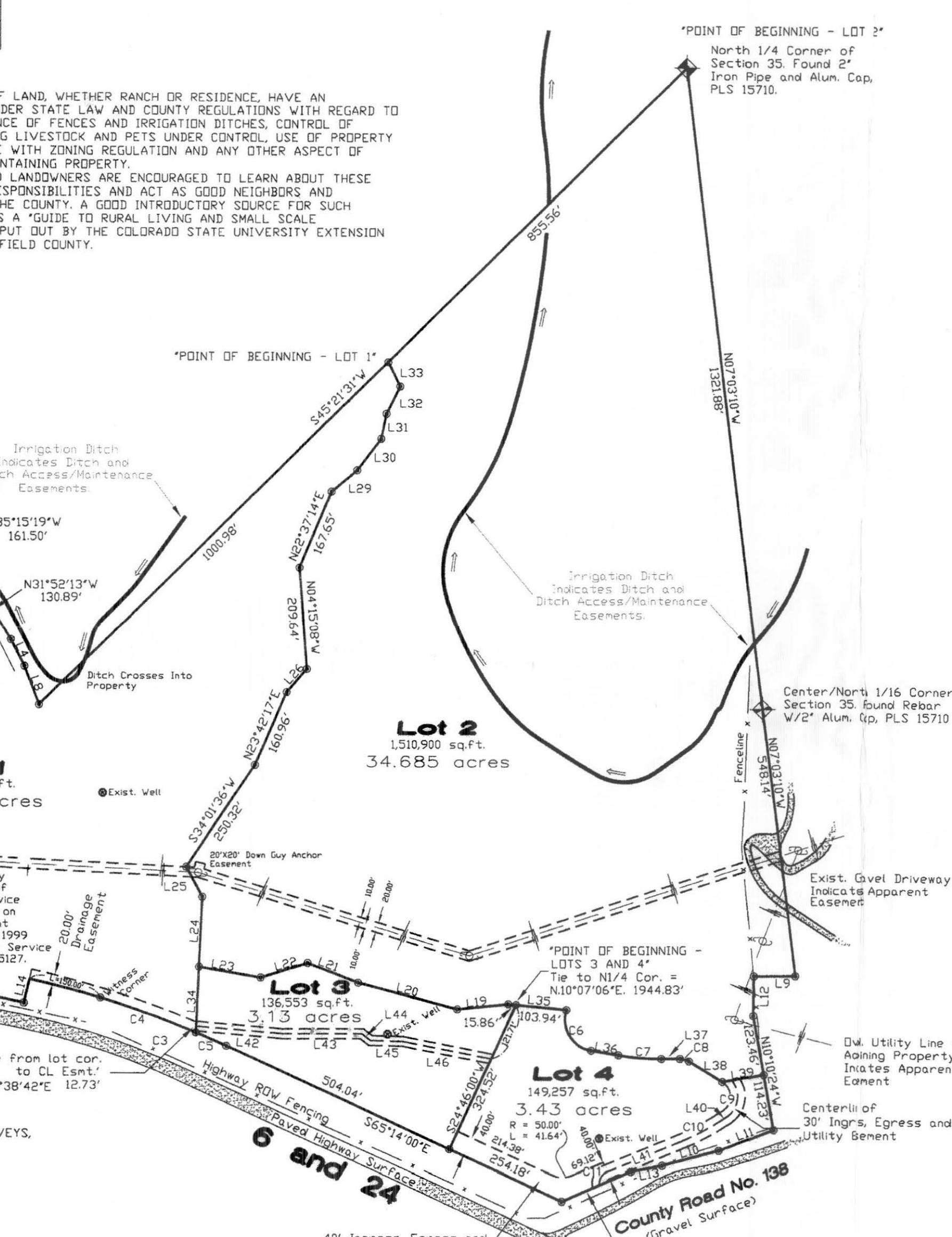
A TRACT OF LAND SITUATED IN THE NW1/4 OF SECTION 35, TOWNSHIP 5 SOUTH, RANGE 90 WEST OF THE 6TH P.M., COUNTY OF GARFIELD, STATE OF COLORADO, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT FROM WHICH THE NW1/4 CORNER OF SAID SECTION 35 BEARS N10°07'06"E. 1944.83 FEET, SAID POINT BEING AN IRON PIPE WITH AN ALUMINUM CAP, PLS NO. 15710; THENCE S24°46'00"W. 324.52 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY OF STATE HIGHWAY 6 AND 24;

THENCE ALONG SAID RIGHT OF WAY 682.7 FEET ALONG THE ARC OF A CURVE CONTINUING ALONG SAID RIGHT OF WAY 682.7 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 2010.00 FEET, A CENTRAL ANGLE OF 10°12'31" AND SUB-TENDING A CHORD WHICH BEARS N72°17'01"W. 337.65 FEET;

THENCE DEPARTING SAID RIGHT OF WAY N02°38'42"E. 194.82 FEET; THENCE S80°11'51"E. 128.20 FEET; THENCE N72°59'26"E. 101.15 FEET; THENCE S68°43'16"E. 110.56 FEET; THENCE S74°56'17"E. 210.39 FEET; THENCE N87°14'09"E. 373.76 FEET; THENCE S84°08'31"E. 156.66 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 149.257 SQ.FT. OR 3.43 ACRES, MORE OR LESS.



**COUNTY SURVEYOR'S CERTIFICATE**

APPROVED FOR CONTENT AND FORM ONLY AND NOT THE ACCURACY OF SURVEYS, CALCULATIONS OR DRAFTING PURSUANT TO C.R.S. 38-51-101 ET SEQ.

BY: *Samuel D. Phelps*  
DEPUTY GARFIELD COUNTY SURVEYOR

DATE: JANUARY 10, 2003

**SURVEYOR'S CERTIFICATE**

I, SAMUEL D. PHELPS, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR LICENSED UNDER THE LAWS OF THE STATE OF COLORADO, THAT THIS PLAT IS TRUE, CORRECT AND COMPLETE PLAT OF THE "GABOSSI SUBDIVISION EXEMPTION PLAT", COUNTY OF GARFIELD, STATE OF COLORADO, AS LAID OUT, PLATTED, DEDICATED AND SHOWN HEREON THAT SUCH PLAT WAS MADE FROM AN ACCURATE SURVEY OF SAID PROPERTY BY ME AND UNDER MY SUPERVISION AND CORRECTLY SHOWS THE LOCATION AND DIMENSIONS OF THE LOTS, EASEMENTS AND STREETS OF SAID SUBDIVISION AS THE SAME ARE STAKED UPON THE GROUND IN COMPLIANCE WITH APPLICABLE REGULATIONS GOVERNING THE SUBDIVISION OF LAND.

IN WITNESS WHEREOF I HAVE SET MY HAND AND SEAL THIS 10<sup>TH</sup> DAY OF JANUARY, A.D. 2003.

BY: *Samuel D. Phelps*  
COLORADO REGISTERED PROFESSIONAL LAND SURVEYOR # 27613 FOR AND ON BEHALF OF SURVCO, INC.

**SURVEYOR'S NOTES:**

- 1) BEARINGS AS SHOWN HEREON ARE BASED UPON A RECORD BEARING OF N82°00'00" FOR THE EAST/WEST CENTERLINE OF SECTION 35.
- 2) MONUMENTATION BEING FOUND IN THE FIELD AT EACH END OF THIS LINE A BLM ALUM CAP AND STANDARD MONUMENT.
- 3) THIS PROPERTY IS SUBJECT TO MINERAL RIGHT RESERVATIONS AND RIGHT WAY FOR DITCHES AND CANALS CONSTRUCTED BY THE AUTHORITY OF THE UNITED STATES AS REVVED IN PATENT RECORDED OCT. 06, 1967 IN BOOK 388 AT PAGE 311.
- 4) THE BOUNDARY DIMENSIONS AND LOCATIONS FOR THE SUBJECT PROPERTY SHOWN HEREON ARE BASED UPON A PREVIOUS MONUMENTED LAND SURVEY AS PREPARED BY SCARROD WALKER, INC. AND BEING DATED SEPT. 30, 1993.
- 5) THE LOCATION OF THE IRRIGATION DITCHES SHOWN HEREON ARE SCALED PART FROM USGS QUAD MAP OF THE SUBJECT PROPERTY AND ARE APPROXIMATE. THE IRRIGATION DITS CROSSING THE SUBJECT PROPERTY INDICATE EASEMENTS OF UNSPECIFIED WIDTH FOR MAINTENANCE. THESE EASEMENT MAY INCLUDE ACCESS OVER AND ACROSS THE SUBJECT PROPERTY TO THE DIT.
- 6) THE 20' WIDE PUBLIC SERVICE EASEMENT SHOWN HEREON IS BASED UPON RECORDED EASEMENT DOCUMENTS PRESENTED TO THIS LAND SURVEYOR BY THE CLIENT.

**EXEMPTION CERTIFICATE**

THIS PLAT APPROVED BY RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS AT GARFIELD COUNTY, COLORADO THIS 10<sup>TH</sup> DAY OF JANUARY, A.D. 2003, IN FILING WITH THE CLERK AND RECORDER OF GARFIELD COUNTY, SUCH APPROVAL IN NO WAY IMPLIES THAT THE INFORMATION SHOWN HEREON IS TRUE AND ACCURATE, BUT DOES INDICATE THAT THIS PLAT IS EXEMPT FROM AND NOT SUBJECT TO REGULATION UNDER GARFIELD COUNTY SUBDIVISION REGULATIONS AT THE TIME OF ITS FILING.

WITNESS MY HAND AND SEAL OF THE COUNTY OF GARFIELD.

ATTEST: *Michael Headorf*  
COUNTY CLERK

ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IF EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.

**SurvCo, Inc.**  
Professional Land Surveying Services  
6560 County Road No. 335, Suite No. 201  
Post Office Box 826  
New Castle, CO. 81647-0826  
Phone: (970) 984-9119 Fax: (970) 984-3993

SHEET 1 of 1

**GARFIELD COUNTY CLERK AND RECORDER'S CERTIFICATE**

THIS PLAT WAS FILED FOR RECORD IN THE OFFICE OF THE CLERK AND RECORDER OF GARFIELD COUNTY AT 1:12 O'CLOCK P.M. ON THE 10<sup>TH</sup> DAY OF JANUARY, A.D. 2003, AND IS DULY RECORDED IN BOOK 620582 RECEPTION NO. 620582

Fee: 9/100  
Drawer 11-A

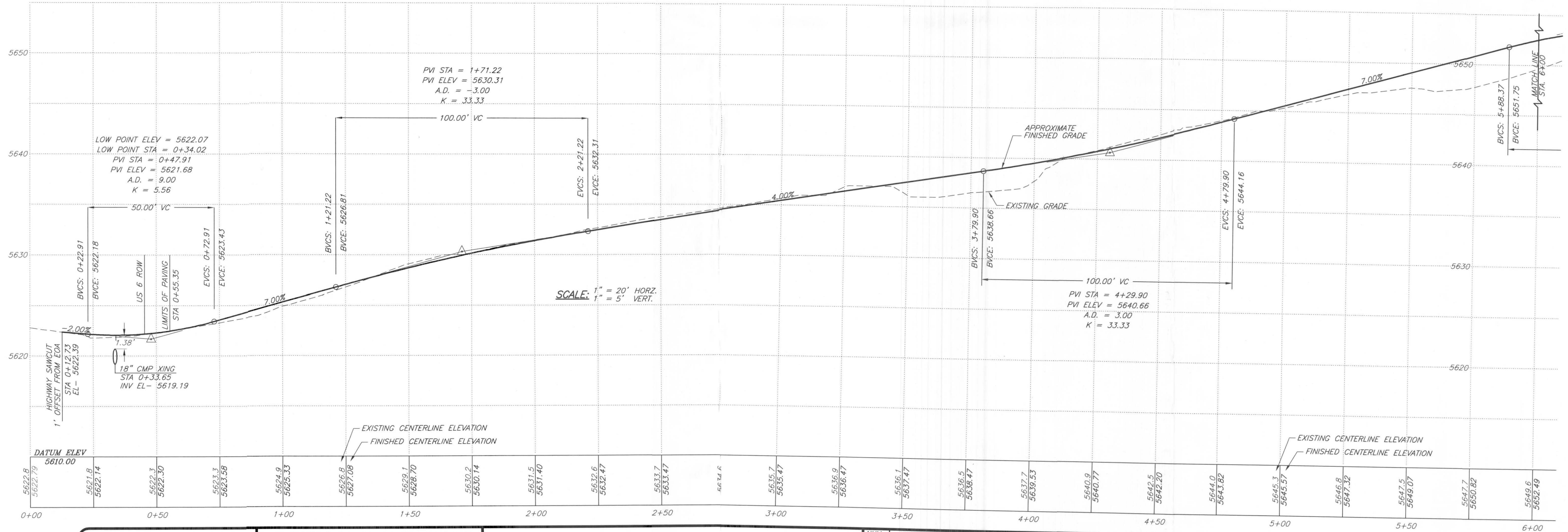
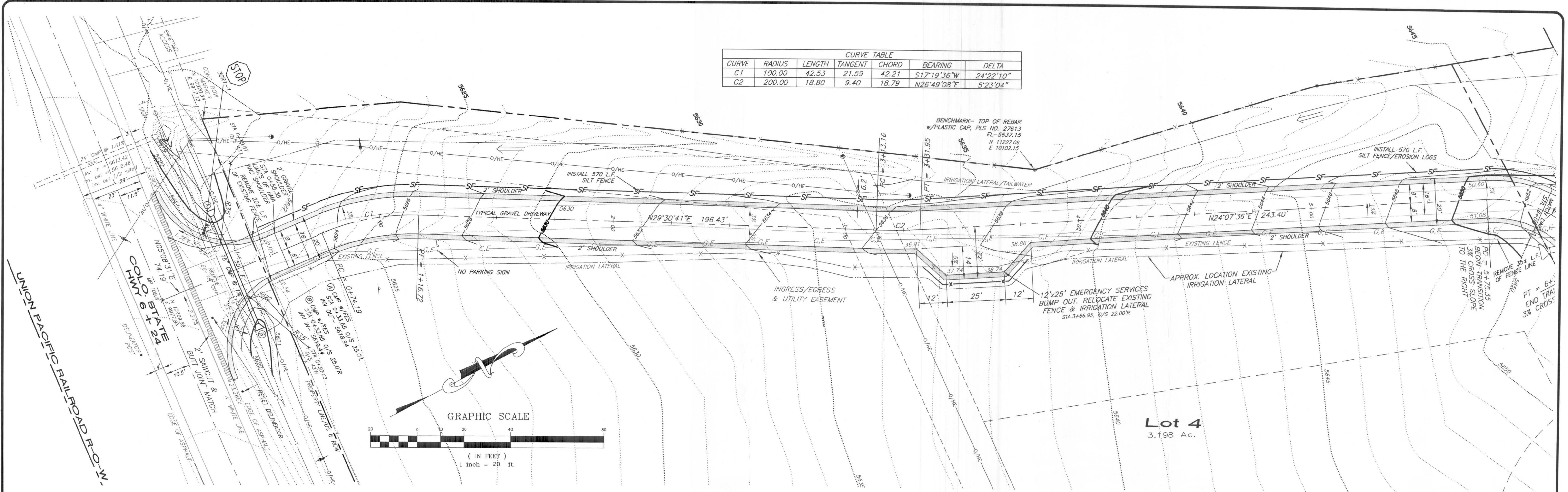
*Michelle Alsdorf*  
CLERK AND RECORDER  
*Randa M. Nutwell*  
DEPUTY

DRAWN BY	S.PHELPS	DATE	26/NOVEMBER/2001
CHECKED BY	S. PHELPS	DRAWING NO.	00000003
APPROVED BY	S. PHELPS	JOB NO.	00000003

NO.	BY	DATE	REVISION DESCRIPTION
1	SDP	10/JAN/03	ADD ADDL. CO. PLAT NOTES/ACCESS ESMT

FILED: C:\SDSK\DWG\98089.003.dwg  
 1072584  
 1/

CURVE TABLE						
CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	100.00	42.53	21.59	42.21	S17°19'36"W	24°22'10"
C2	200.00	18.80	9.40	18.79	N26°49'08"E	5°23'04"



PRELIMINARY  
NOT  
FOR  
CONSTRUCTION

SCHMUESER | GORDON | MEYER  
ENGINEERS | SURVEYORS

SCHMUESER GORDON MEYER  
118 W. 6TH STREET, SUITE 200  
GLENWOOD SPRINGS, COLORADO 81601  
(970) 945-1004 FAX (970) 945-5948  
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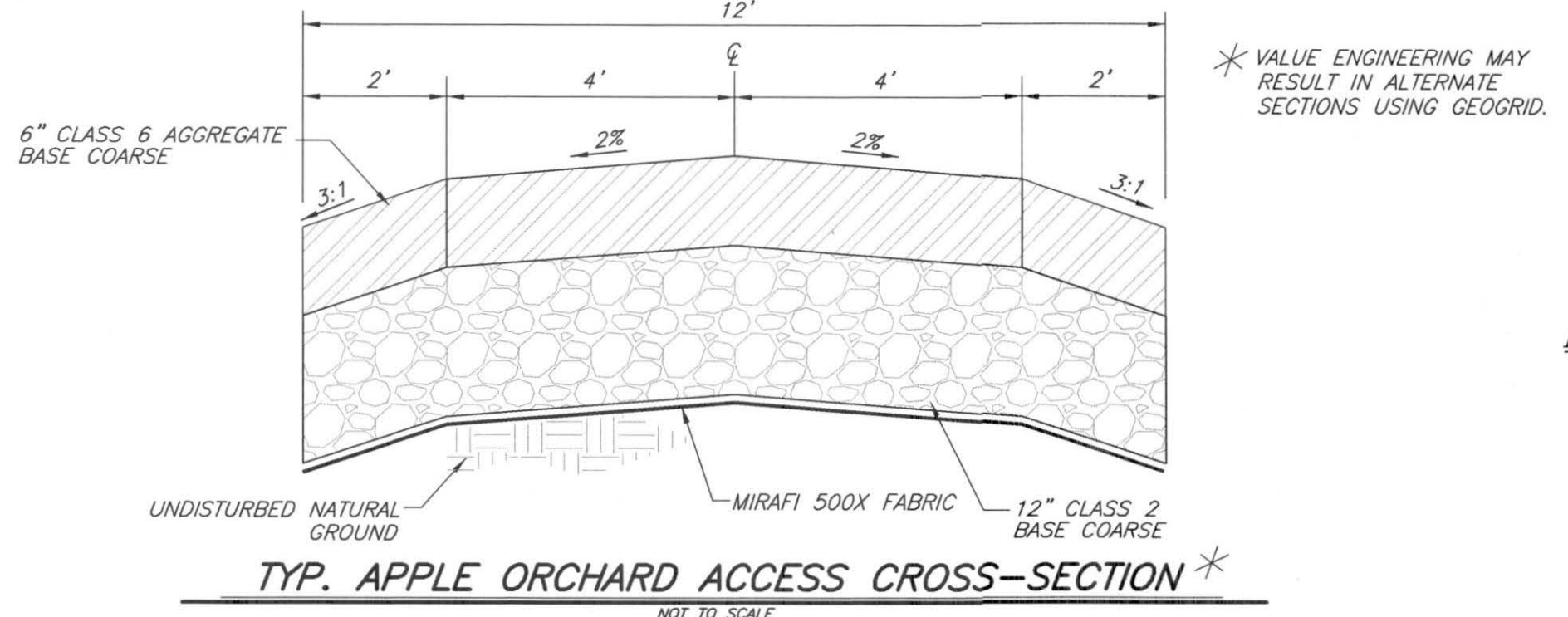
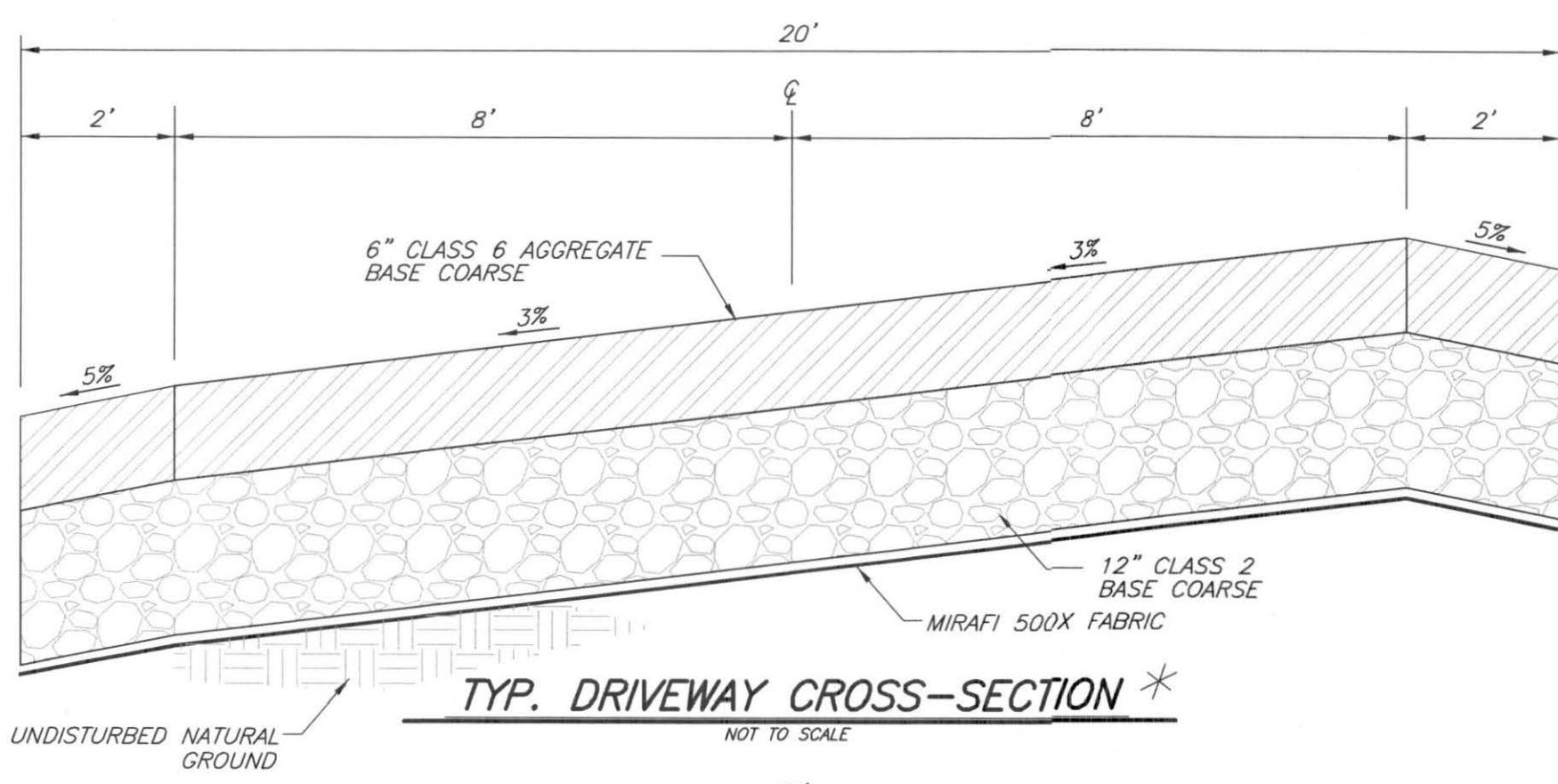
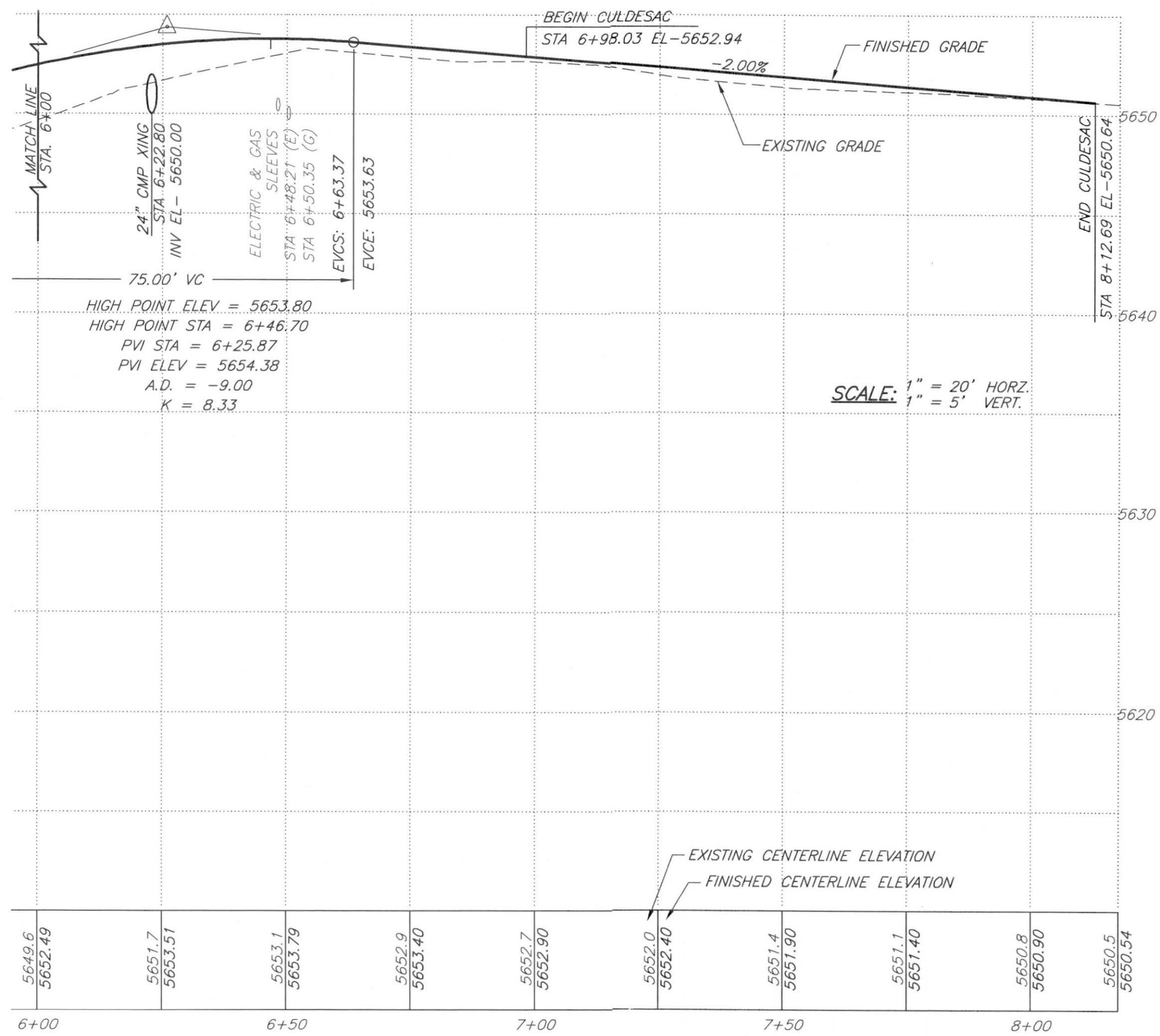
LOTS 1-4  
OLD ORCHARD SUBDIVISION

NUM-BER	REVISION	DATE	BY
1	PRELIMINARY/FINAL PLAN	12/16/09	RM

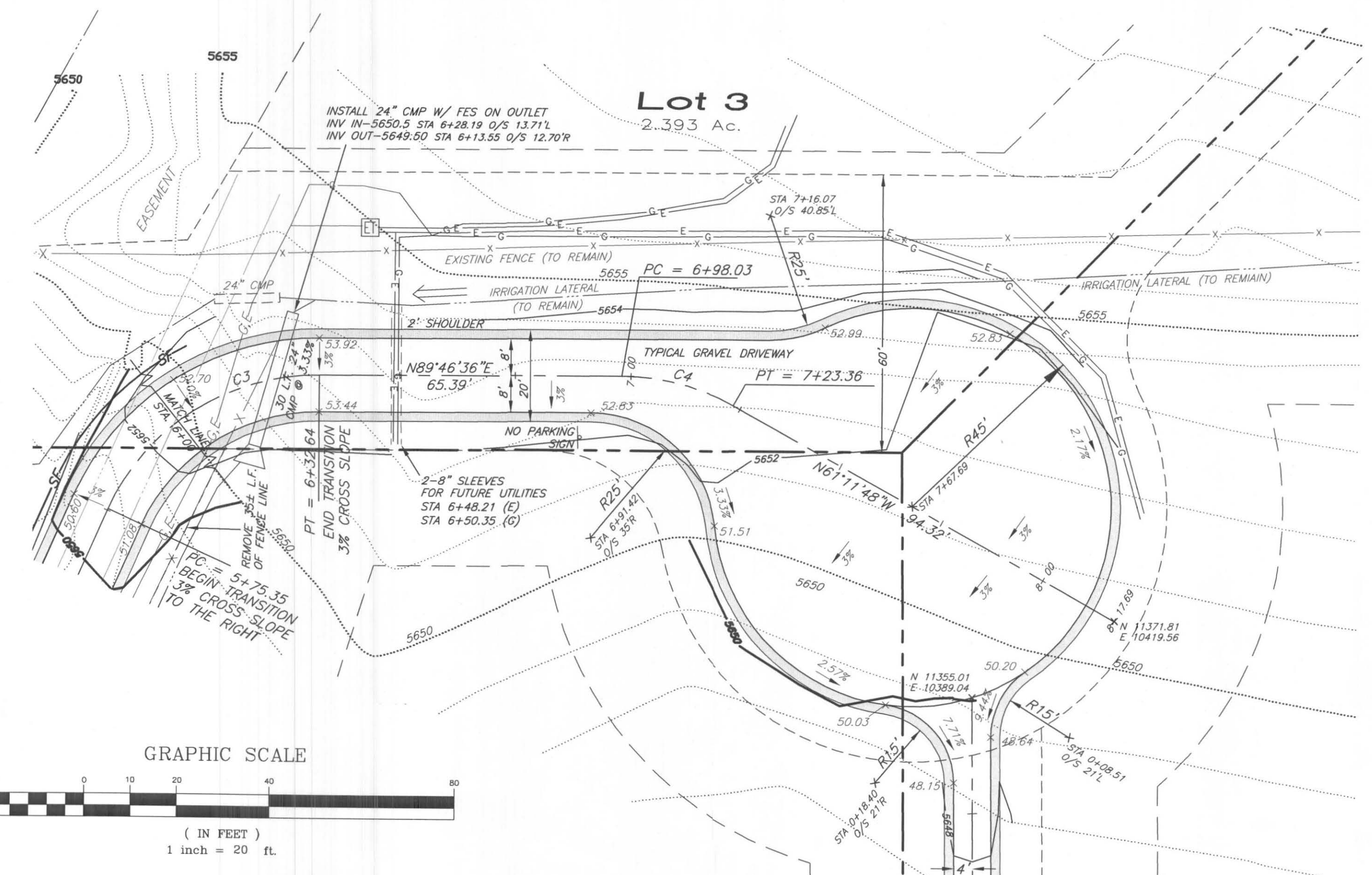
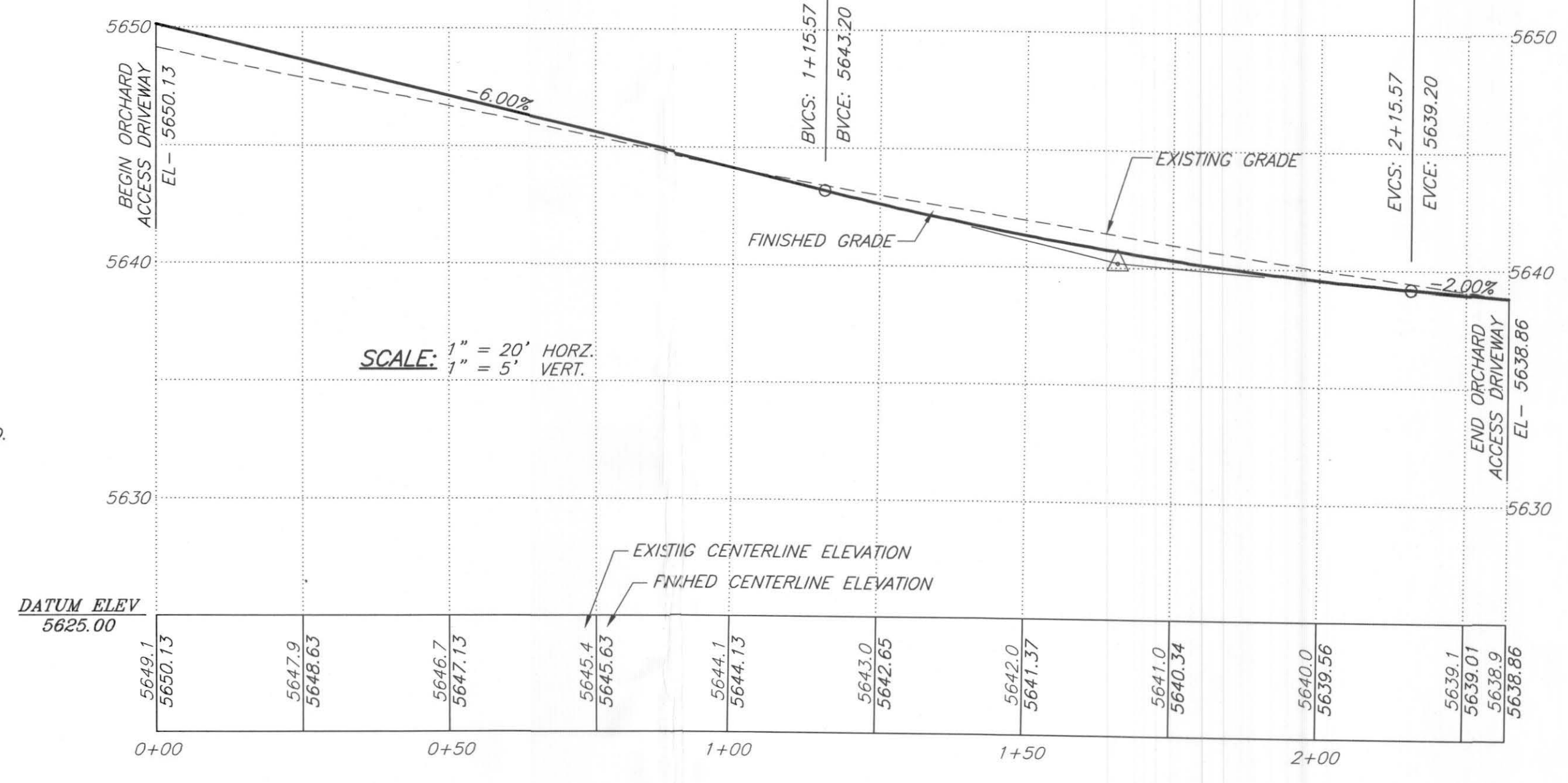
DRIVEWAY PLAN  
AND PROFILE

Job No.	2009-336.001
Drawn by:	JK
Date:	09-18-09
QC:	PE
File:	GABOSI DRIVE PP

OLD ORCHARD DRIVEWAY PROFILE CONTINUED



ORCHARD ACCESS PROFILE



PRELIMINARY  
NOT  
FOR  
CONSTRUCTION

SCHMUESER | GORDON | MEYER  
ENGINEERS | SURVEYORS

SCHMUESER GORDON MEYER  
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CRESTED BUTTE, CO (970) 349-5355

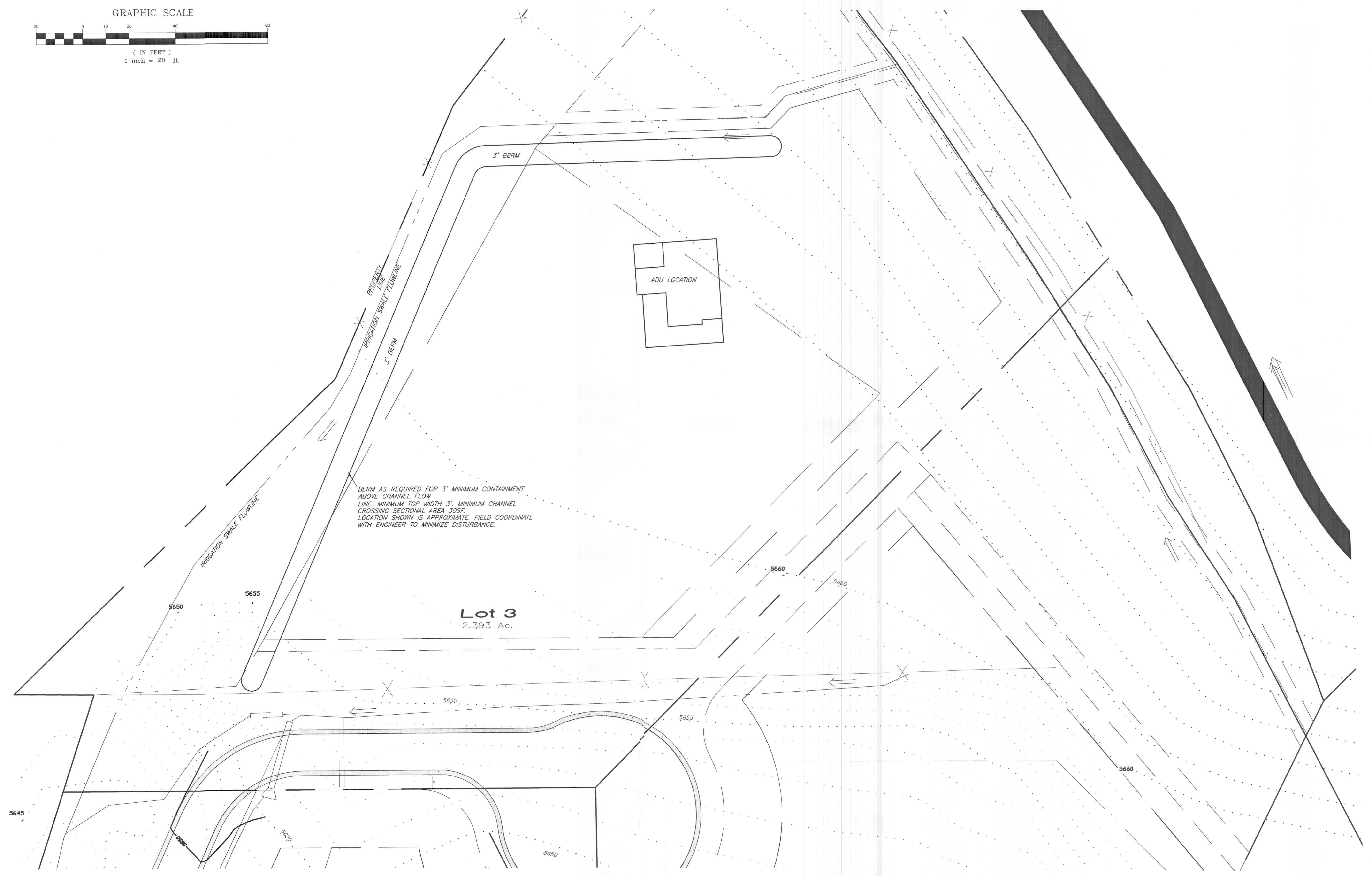
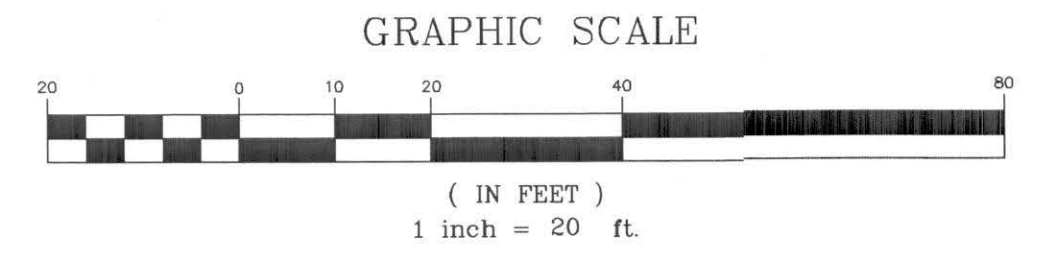
LOTS 1-4  
OLD ORCHARD SUBDIVISION

NUM-BER	REVISION	DATE	BY
1	PRELIMINARY/FINAL PLAN	12/16/09	RM
2	REVISED SECTIONS	2/1/10	RM

DRIVEWAY PLAN  
AND PROFILE

Job No. 2009-336.001  
Drawn by: JK  
Date: 09-18-09  
QC: PE:  
File: GABOSSI DRIVE PP

A:\2009\2009-336.001 Old Orchard Sub\GABOSSI DRIVE PP.dwg Saved: Mon, 01 Feb 2010 11:22am Plotted: Fri, 26 Feb 2010 1:56pm mml



PRELIMINARY  
NOT  
FOR  
CONSTRUCTION



SCHMUESER GORDON MEYER  
 118 W. 6TH STREET, SUITE 200  
 GLENWOOD SPRINGS, COLORADO 81601  
 (970) 945-1004 FAX (970) 945-5948  
 ASPEN, COLORADO (970) 925-6727  
 CRESTED BUTTE, CO (970) 349-5355

LOTS 1-4  
 OLD ORCHARD SUBDIVISION

NUM-BER	REVISION	DATE	BY
1			

LOT #3  
 BERMING

Job No.	2009-336.001
Drawn by:	MLC
Date:	05-20-10
QC:	PE:
File:	LOT 3 BERMING

3  
 OF

A:\2009\2009-336.001 Old Orchard Sub Lot 3 BERMING.dwg Sweet, Thu, 20 May 2010 10:08am Plotter: Thu, 20 May 2010 10:10am mcsudmre