

**TOWN OF NEW CASTLE, COLORADO
RESOLUTION NO. TC 2018-21**

**A RESOLUTION OF THE TOWN OF NEW CASTLE TOWN COUNCIL
APPROVING A LOT SPLIT OF PROPERTY LOCATED AT 6300 CR 335 IN
THE TOWN OF NEW CASTLE.**

WHEREAS, on June 22, 2018, Burning Mountain Land & Cattle, LLC (“Applicant”) submitted a lot split application (“Application”) regarding the property located at 6300 CR 335, New Castle, Colorado, and legally described in Exhibit A hereto (“Property”); and

WHEREAS, Applicant owns the Property; and

WHEREAS, Applicant seeks to divide the Property into two parcels as shown on the proposed final plat attached as Exhibit B; and

WHEREAS, pursuant to § 16.12.030(B) of the New Castle Municipal Code (“Code”), following a duly-noticed public hearing held on October 10, 2018, the New Castle Planning and Zoning Commission recommended approval of the Application; and

WHEREAS, on October 16, 2018, the Town Council considered the Application; and

WHEREAS, upon consideration of the Application and the information presented regarding the same, the Town Council now desires to approve the Application, subject to the terms and conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED BY THE NEW CASTLE TOWN COUNCIL AS FOLLOWS:

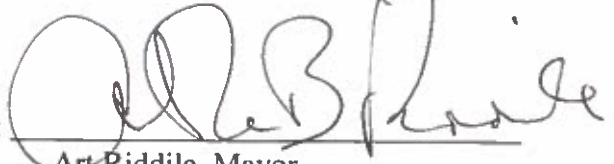
1. Recitals Incorporated by Reference. The foregoing recitals are incorporated by reference herein as findings and determinations of the New Castle Town Council.
2. Approval. The Town Council hereby approves the Application pursuant to § 16.12.030 of the Code subject to the following conditions:
 - A. All representations of the Applicant in written Application materials and in verbal presentations submitted to the Town or made at public hearings before the Commission or Town Council and reflected in the minutes thereof shall be considered part of the Application and binding on the Applicant;
 - B. Applicant shall reimburse the Town for any and all expenses incurred by the Town regarding this approval, including without limitation all costs incurred by the Town’s outside consultants such as legal and engineering costs.
 - C. Before any newly-created lot may be placed into separate ownership, a final plat complying with all requirements of Section 16.16.030 of the Town Code shall

be approved by Town staff for recordation, provided that it is consistent with the materials previously submitted to and approved by Town Council.

THIS RESOLUTION TC 2018-21 was adopted by the New Castle Town Council by a vote of 10 to 0 on the 16th day of October, 2018.



TOWN OF NEW CASTLE TOWN COUNCIL

By: 
Art Riddile, Mayor

ATTEST:


Mindy Andis, Deputy Town Clerk

EXHIBIT A
Legal Description

The property that is the subject of the Application described in Resolution TC 2018-21 is legally described as follows:

A tract of land being situated in the E 1/2 of section 31 and the SW 1/4 of section 32, Township 5 South, Range 90 West of the 6th Principal Meridian, said parcel being more particularly described as follows:

Beginning at the northeast corner of parcel A of the Talbott Subdivision according to the plat thereof as filed for record under reception No. 514384 of the records of the County of Garfield, said point of beginning being a rebar and plastic cap LS No. 26950 found in place from which the west 1/4 corner of section 32 bears N. 03°24'41"W. 1341.35 feet; thence along the west line of the SW 1/4 of said section 32 S.03°24'41"E. 8.00 feet; thence along southerly right of way of Garfield County road No. 335 based upon the centerline as constructed and in place 275.21 feet along the arc of a non-tangent curve to the right having a radius of 2038.39 feet, a central angle of 07°44'08" and a chord which bears S. 66°19'46"E. 275.00 feet; thence departing said right of way S. 32°00'21"W. 433.19 feet to a point on the west line of said SW 1/4; thence N. 03°24'41"W. along said west line a distance of 75.10 feet; thence departing said west line and along the southerly, westerly and northerly lines of said parcel A as platted on said Talbott Subdivision the following 10 (ten) courses: 1) N. 56°35'40"W. 39.48 feet; 2) N. 25°42'32"W. 133.67 feet; 3) N. 83°58'47"W. 123.84 feet; 4) S. 77°06'26"W. 123.61 feet; 5) N. 77°31'17"W. 98.74 feet; 6) N. 00°02'00"E. 359.68 feet; 7) S. 78i53°14"E. 102.06 feet; 8) 62.09 feet along the arc of a nontangent curve to the right, having a radius of 2038.39 feet, a central angle of 01° 44' 43", a chord which bears S. 78°00'52"E. 62.09 feet; 9) S. 79°07'18"E. 32.81 feet; 10) S. 75°29'30"E. 20.00 feet; to the point of beginning.

Said tract of land containing 4.592 acres, more or less, County of Garfield, State of Colorado



Town of New Castle
450 W. Main Street
PO Box 90
New Castle, CO 81647

**Building, Planning & Code
Administration Department**

Phone: (970) 984-2311

Fax: (970) 984-2716

www.newcastlecolorado.org

Staff Report
Burning Mountain Land & Cattle, LLC Lot Split
Town Council – Meeting – October 16, 2018

Report Date: 10/11/18

Project Information

Name of Applicant: Burning Mountain Land & Cattle, LLC (C/O Russell Talbott)

Applicant's Address/Phone: 5175 CR 335 #401, New Castle, CO 81647. Telephone 970.984.2943

Property Address: 6300 CR 335, New Castle, CO 81647

Property Owner: Burning Mountain Land & Cattle, LLC

Owner Address/Phone 5175 CR 335 #401, New Castle, CO 81647. Telephone: 970.989.5278

Municipal Code Reference: Chapter 16.12.030 – Lot Splits

Street Frontage: CR 335

Existing Zoning: Industrial

Surrounding Zoning: South – County-Rural, East – Industrial, West – Industrial

I Planning & Zoning Commission Review:

The commission convened with a quorum. Commissioner Bourquin inquired about an egress path for the new lot. Mr. Talbott assured the commission that an easement would be provided from the existing entry to CR 335. Attorney Carmer noted that council packet needed to include the updated Talbott Subdivision plat. The commission moved to approve the application without further conditions.

II Description of Application:

This application is a request for a lot split that will create a new parcel in the Industrial Zone District located south of the Colorado River and west of the 105 Interchange.

A lot split is defined as a subdivision of a single lot, tract, or parcel of land, or parcel into no more than two lots or condominium units.

The property at issue is Mr. T's hardware & building supply store. Mr. T's will remain as is except for a newly created lot east of the main building. This area is currently used for storage of building supplies.

III Development Application Contents:

1. Development Application
2. Cover letter
3. Proposed "Special Warranty Deed"
4. Burning Mountain Land & Cattle, LLC Title Commitments
5. Map (Plat)
6. Alpine Bank letter
7. Checklist/lot split - Mineral Rights Owner
8. Legal description Amended Parcel A Talbott Subdivision (before lot split)
9. Legal description Revised Parcel A Talbott Subdivision (after lot split)
10. Legal description Revised Tract A-1 (after lot split)
11. Access & Utility Easement across Tract-1 for the benefit of Parcel A Talbott Subdivision (after lot split)
12. Lighting standard easement across Tract-1 for the benefit of Parcel A Talbott subdivision (after lot split)
13. Quit Claim Deed & Exhibit A (1)
14. Quit Claim Deed & Exhibit A (2)
15. Mineral Deed (Bargain And Sale Deed)
16. Letter from Stuver & Lemoine
17. Mineral Deed (Bargain And Sale) & Exhibit A
18. Property owners within 250 feet
19. Revised legal descriptions for #8 – #12 above

IV 16.12.030 - Lot split Municipal Code requirements/comments:

1. Development Application

Comment: Applicant submitted a complete application

2. Legal description of the existing lot or parcel proposed to be split

Comment: Applicant submitted legal description of Parcel "A" before the lot split and Parcels A and A-1 after the lot split.* At the request of Town attorney, the title of the Final Plat is now "A Re-subdivision of Parcel A Talbott Subdivision".

*Parcel A-1 is referred to in some of the Application materials as "Tract A Coal Ridge Subdivision." At the Town attorney's request, Parcel A-1 is now used to refer to the lot created through the proposed lot split instead of "Tract A."

3. Name(s) and address(es) of owner(s) of the lot and the mineral estate owner(s) of the lot or parcel proposed to be split

Comment: Applicant provided documents identifying ownership of Parcel A.

Applicant supplied numerous documents regarding mineral rights owners.

4. Proof of ownership of the lot or parcel proposed to be split

Comment: Applicant has submitted documents applicable to ownership of Parcel A.

There is included in the application packet a proposed deed between the prospective buyers/owners of Parcel A-1.

5. Name(s) and address(es) of owner(s) of property within 250 feet of lot or parcel proposed to be split

Comment: This information was provided by the applicant

6. A drawing, to scale, depicting:

- a. The locations and boundaries of the proposed lots

Comment: The Final Plat depicts location and boundaries

- b. All existing and proposed easements and rights-of-way, including descriptions thereof

Comment: All are included on the Final Plat

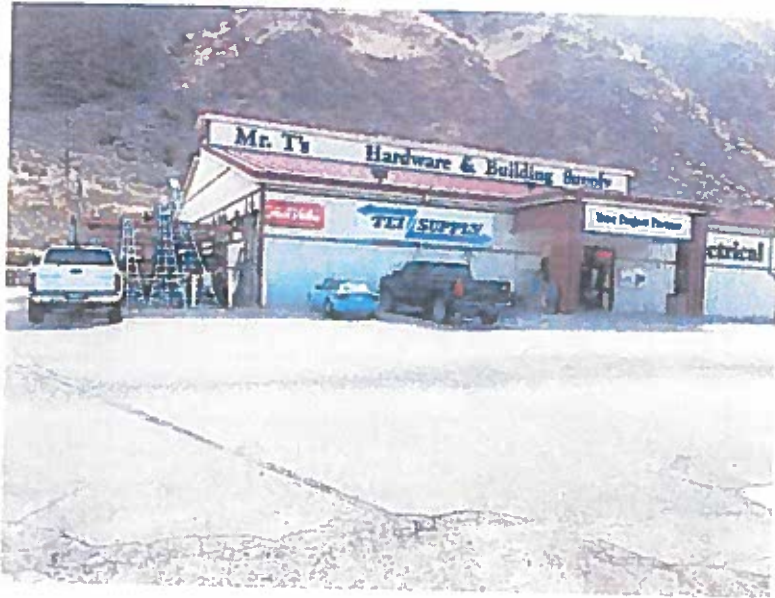
- c. An indication of all adjacent property uses

Comments: Depicted on the Final Plat

V Discussion:

The contents of this application for a Lot Split is all that is needed to process and approve the application. The only caveat is new lots created in the Industrial Zone district must meet the minimum square footage allowed and the new lot complies with that requirement. Since there is no proposed structure on this new lot, setbacks, maximum building height, and other text requirements are not required to be reviewed for compliance. There doesn't appear to be controversial issues associated with this application.

Mr. T's



Mr. T's storage yard



Mr. T's storage yard



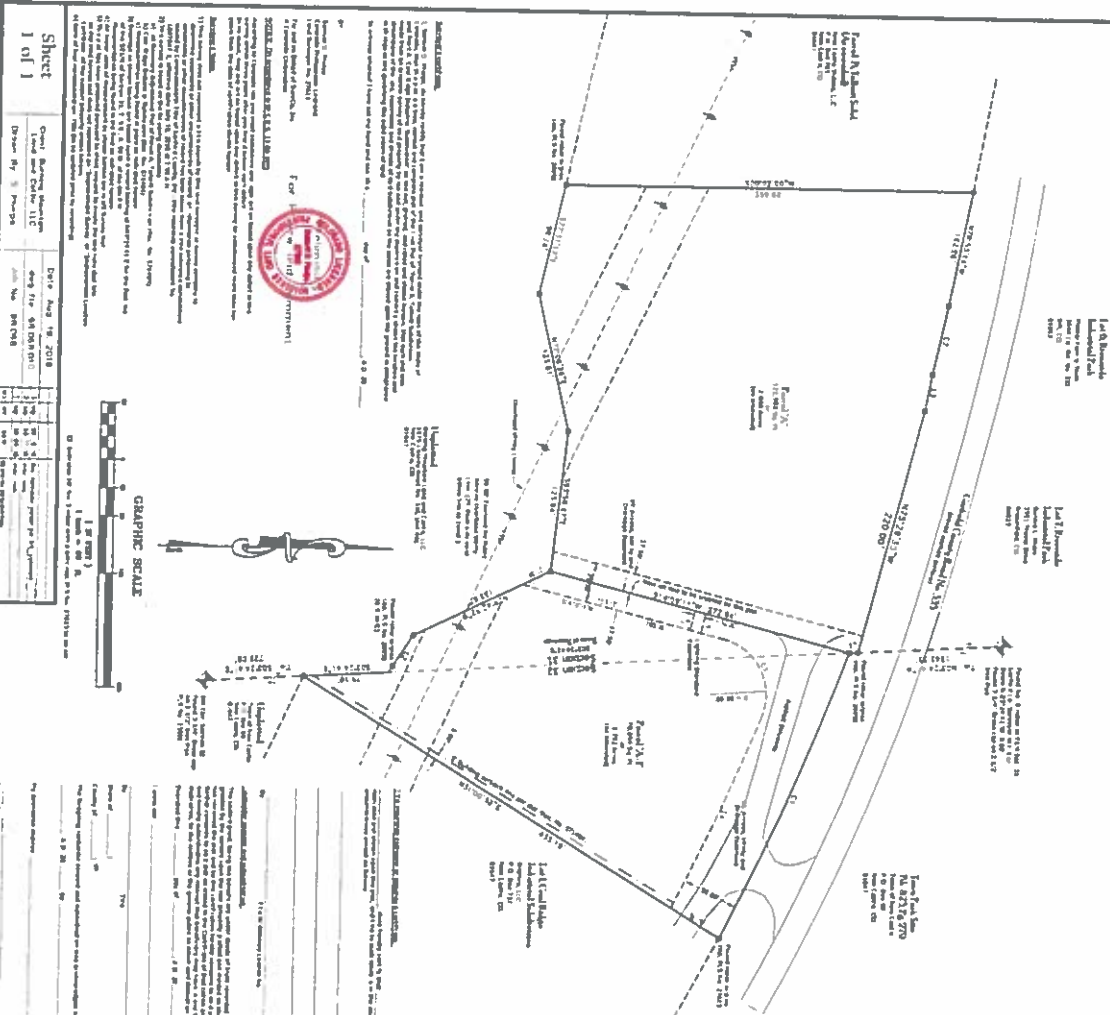
VI Staff Recommendation:

The staff recommends approval of the Burning Mountain Land & Cattle, LLC Lot Split with the following conditions:

1. Applicant shall reimburse the Town for any and all expenses incurred by the Town regarding this approval, including without limitation all costs incurred by the Town's outside consultants such as legal and engineering costs
2. All representations of the Applicant in written Application materials and in verbal presentations submitted to the Town or made at public hearings before the Planning Commission or Town Council and reflected in the minutes thereof shall be considered part of the Application and binding on the Applicant.

| Lot No. | Area (Acres) | Area (Sq. Ft.) | Area (Sq. Ft.) | Area (Sq. Ft.) | Area (Sq. Ft.) | Area (Sq. Ft.) | Area (Sq. Ft.) | Area (Sq. Ft.) | Area (Sq. Ft.) |
|---------|--------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|
| 1 | 0.11 | 4,791 | 4,791 | 4,791 | 4,791 | 4,791 | 4,791 | 4,791 | 4,791 |
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| 89 | 0.11 | 4,791 | 4,791 | 4,791 | 4,791 | 4,791 | 4,791 | 4,791 | 4,791 |
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| 91 | 0.11 | 4,791 | 4,791 | 4,791 | 4,791 | 4,791 | 4,791 | 4,791 | 4,791 |
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| 93 | 0.11 | 4,791 | 4,791 | 4,791 | 4,791 | 4,791 | 4,791 | 4,791 | 4,791 |
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| 97 | 0.11 | 4,791 | 4,791 | 4,791 | 4,791 | 4,791 | 4,791 | 4,791 | 4,791 |
| 98 | 0.11 | 4,791 | 4,791 | 4,791 | 4,791 | 4,791 | 4,791 | 4,791 | 4,791 |
| 99 | 0.11 | 4,791 | 4,791 | 4,791 | 4,791 | 4,791 | 4,791 | 4,791 | 4,791 |
| 100 | 0.11 | 4,791 | 4,791 | 4,791 | 4,791 | 4,791 | 4,791 | 4,791 | 4,791 |

Final Plat
A Re-subdivision of Parcel A, Talbot Subdivision
 Situated in the SE 1/4 of Section 31 and the SW 1/4 of Section 32
 Township 5 South, Range 80 West of the 6th P.M.
 TOWN OF NEW CASTLE
 COUNTY OF GARFIELD, STATE OF COLORADO



Section 31 and 32, Township 5 South, Range 80 West of the 6th P.M., are divided into 100 lots, each of the area of 0.11 acres, as shown on the attached map. The lots are numbered 1 through 100, and are situated in the SE 1/4 of Section 31 and the SW 1/4 of Section 32, Township 5 South, Range 80 West of the 6th P.M., Town of New Castle, County of Garfield, State of Colorado.

The lots are situated in the SE 1/4 of Section 31 and the SW 1/4 of Section 32, Township 5 South, Range 80 West of the 6th P.M., Town of New Castle, County of Garfield, State of Colorado. The lots are numbered 1 through 100, and are situated in the SE 1/4 of Section 31 and the SW 1/4 of Section 32, Township 5 South, Range 80 West of the 6th P.M., Town of New Castle, County of Garfield, State of Colorado.

PROFESSIONAL LAND SURVEYING SERVICES

Survco, Inc.
 "Serving Western Colorado since 1891"

General Office: 2702
 Post Office Box 2702
 Durango, Colorado 81301-2702
 Phone: (970) 855-5858 Fax: (970) 855-5858