

2000251

Resolution #2000 - 35

**EXEMPTING THE DIVISION OF A CERTAIN TRACT OF LAND FROM THE
DEFINITION OF SUBDIVIDING**

WHEREAS, Keyah Grande LLC is the owner of approximately 3503.75 acres to the east and west of CR 146 (Turkey Springs Road), and bordered on the south by West Highway 160. All but approximately 11.56-acres of the property is on the west side of CR 146, and the owner is requesting an exemption from the Subdivision Regulations to divide the 11.56-acre portion of this property on the east side CR 146, which is separated from the balance of the property by CR 146; and

WHEREAS, the smaller parcel is located approximately 1/2 mile north of the junction of Highway 160 and CR 146 (Turkey Springs Road); and

WHEREAS, the owner intends to designate the 11.56-acres for single family residential use only; and

WHEREAS, the 11.56-acre parcel has adequate frontage along CR 146 for access, and the owner of the parcel will have to obtain the proper permits from the Road and Bridge Department prior to constructing a driveway; and

WHEREAS, the property is of adequate size to be served by a well and individual sewage disposal system; and

WHEREAS, the property is in a fire district and the fire station is located approximately 0.5 miles south of this parcel; and

WHEREAS, the surrounding property owners were notified and one letter of response was received regarding concern with the boundary between this proposed parcel and their adjoining lots in Aspen Springs; and

WHEREAS, after investigation of the facts in this matter and consideration at a regular public meeting, the Planning Commission has determined that the proposed division of land is not a situation intended to be controlled by the County Subdivision Regulations; and

WHEREAS, both the Archuleta County Subdivision Regulations and Senate Bill 35 give authority to the Board of County Commissioners to exempt from the definition of "subdividing" a division of land determined not to be within the purposes nor intent of said regulations, and having so determined in this case;

NOW, THEREFORE, BE IT RESOLVED that this division of land shall be exempt from the definition of "subdividing" and not subject to the Archuleta County Subdivision Regulations and the subject land may be divided with the following conditions: that an original metes and bounds legal description with the Colorado licensed surveyor's seal and signature be submitted for the smaller parcel; that the survey be filed with the County Clerk and Recorder's Office and a copy of the filed survey with the survey number be given to the Planning Department; that easements be granted for any existing utilities on the smaller parcel per the specifications of that utility company; that an original tax certificate from the Archuleta County Treasurer be submitted showing that no taxes are currently due or delinquent for the entire parcel; that there be no further subdivision of the smaller parcel except through the full subdivision regulations in force at the time of submittal; that the smaller parcel be limited to one single family residence; and that there is no assurance of water for this property.

Any approval of this exemption request does not guarantee that the parcel will presently or in the future be approved for a building permit or that there is any assurance of utilities available to the parcel, nor does this guarantee that an accurate survey has been made.

BOARD OF COUNTY COMMISSIONERS
ARCHULETA COUNTY, COLORADO

Gene Crabtree
Gene Crabtree, Chairman

Wm. M. Downey
Wm. M. Downey

Ken Fox
Ken Fox

Attest: *June Madrid*
June Madrid, Archuleta County Clerk and Recorder

June 20, 2000

