



Huerfano County Board of County Commissioners Staff Report– Permit #23-035 Vacate Schwery Meeting Type– Action

Meeting Date: October 31

Request Summary

With this application, Susan Schwery (the Applicant) is requesting a vacation of lot lines to combine three parcels into one for tax purposes. Request pertains to lots 50, 51, and 52 in Navajo Ranch Estates (parcels 533419, 3339350, and 3339352). This is a request for a vacate of lot lines only, not of easements.

The subject property is located in Navajo Ranch Resorts on the northeast corner of CR 510 and Buffalo Dr, and is zoned Rural Residential (RR). Minimum lot size in RR is two acres; the combined lots would create a new lot of approximately 6.23 acres.

Site Map/Vicinity Map

Schwery Lot Consolidation



Code References

The following Code Sections are applicable to this application and may be referenced by the Planning Commission in their evaluation of the request:

Zoning standards for this district are set forth in LUR Section §1.03.

§2.15.01 Procedures for Vacating Plats, Roads and Easements: application must be heard at a Joint Public Hearing.

§2.15.02 Submittal requirements: Proof of ownership, copy of approved and recorded plat or easement and a vacated plat; narrative statement.

§2.15.03 Criteria for Action on a Vacating Application

1. That the proposed vacating would not interfere with development of nor deny access via a public thoroughfare to existing structures within the recorded plat, adjoining properties, utility services or other improvements, nor deny access to structures, facilities or sites located beyond the plat or easement to be vacated.
2. That the proposed vacating would not cause undue hardship or inconvenience for any utility company, special district, neighboring landowner or tenant.
3. That the proposed vacating would not be likely to prove detrimental to the public health, safety or welfare of County residents.
4. That the proposed vacating would be consistent with all other provisions in these regulations.
5. That the proposed vacating would not cause undue financial hardship to Huerfano County nor deprive it of needed tax base.

Background

This Application was received on September 8, 2023; Application Fees were received by the County; the applicant will be billed for public noticing fees.

On October 10, 2023, a Joint Public Hearing was held with the Board of County Commissioners and the Planning Commission. Commissioner Galusha inquired what the building in the northeast corner of Lot 52. The applicant responded via email that it is a one-car garage next to which is a Conex.

On October 12, the Planning Commission made a recommendation to approve the application with the condition that the newly created parcel may not be subdivided in the future.

Application Materials

1. Land Use Application
2. Narrative statement
3. Copy of approved and recorded plat or easement and a vacated plat (pending)
4. Proof of ownership

Criteria/Findings

Noticing:

10 days notice in paper prior to a joint public hearing and to property owners within 500 ft.

Potential Referral agencies

Because this proposal would not affect any easements, there is minimal potential impact on agencies.

Referral Comments

Navajo Western Water District commented that the consolidation of these lots will mean that the property owners will only be eligible for one water tap.

Potential Conditions

Commission Action Options:

- 1. **Approval** without any special conditions.
- 2. **Conditional** Approval with a description of the special conditions.
- 3. **Denial**, indicating for the record the reason(s) for such action with reference to the criteria set forth in the Land Use Code.
- 4. **Continuation** until a future date to gather more information or obtain clarification or for any other relevant cause.

ACTION (by the authorized permitting authority):

____ Approved ____ Conditional Approval ____ Denial

Name _____ Signature _____

Title _____ Date _____

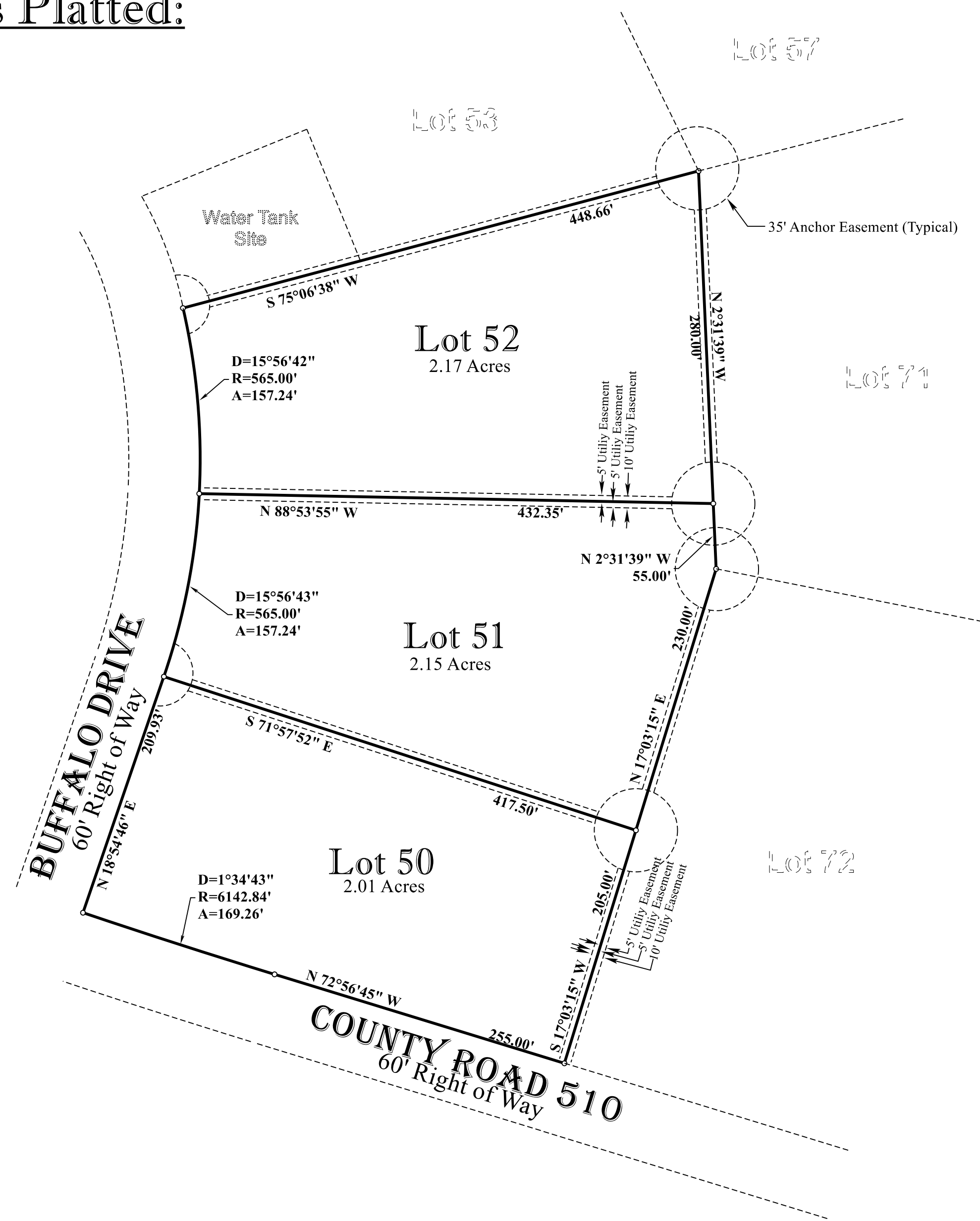
Comments _____

As Platted:

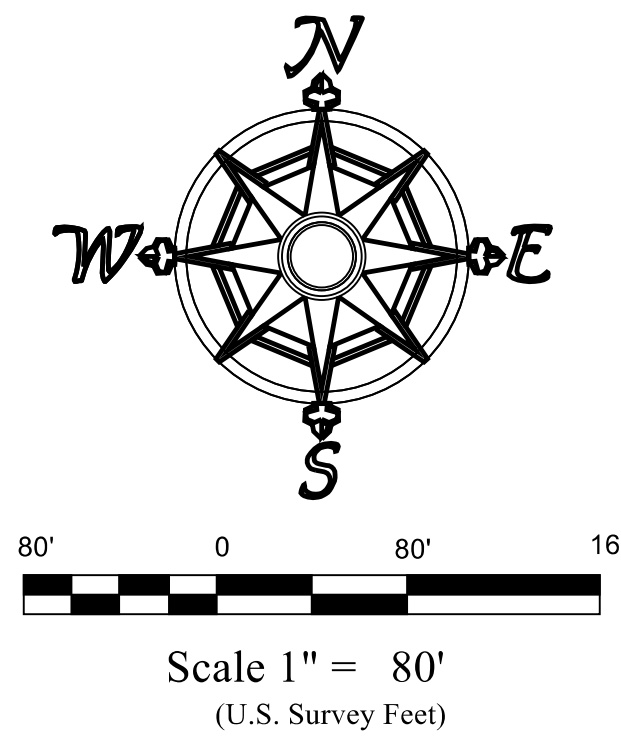
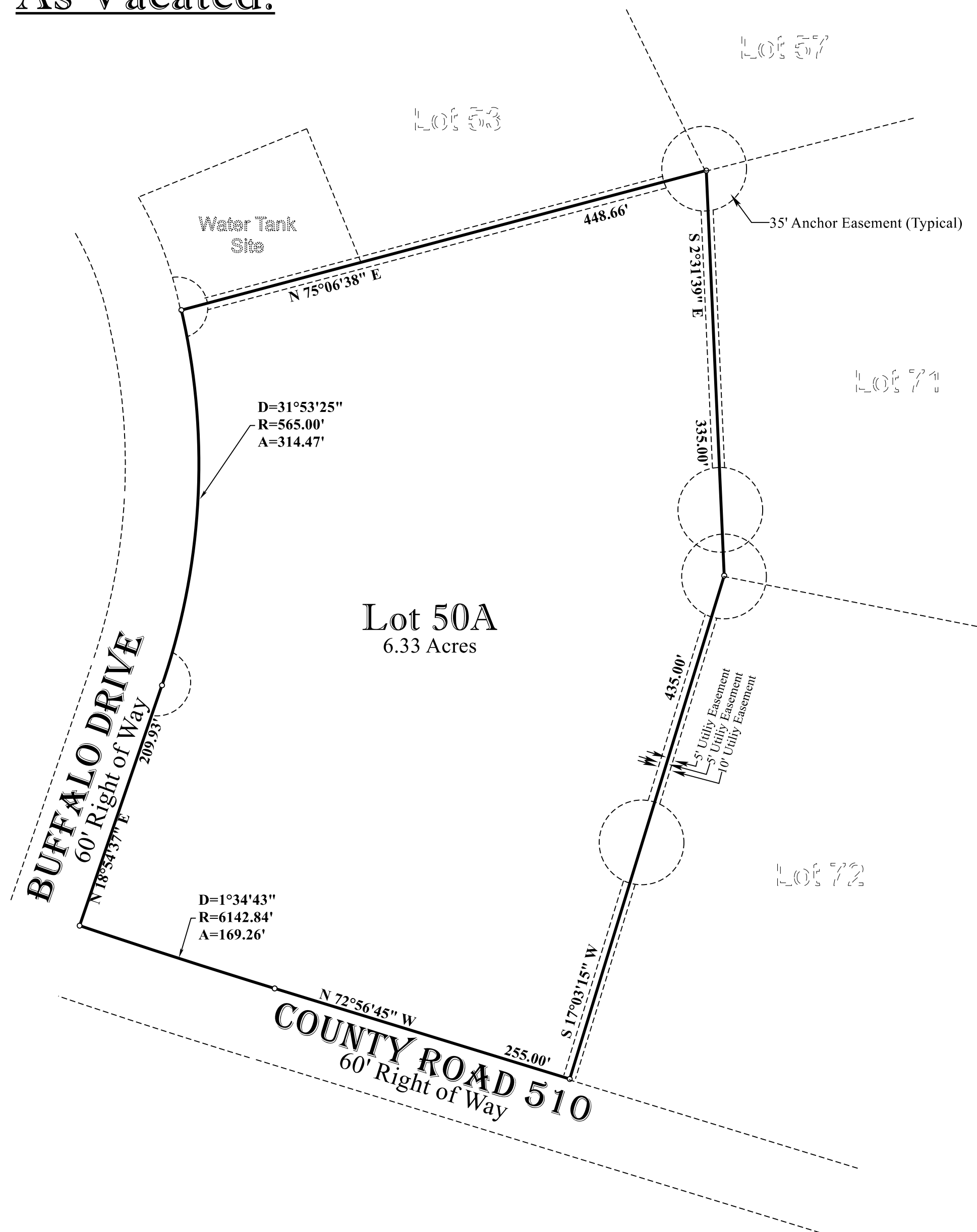
MAP-AMENDMENT AND EASEMENT VACATION

FOR DALE AND SUSAN SCHWERY

LOTS 50, 51, AND 52, NAVAJO RANCH ESTATES
COUNTY OF HUERFANO, STATE OF COLORADO.



As Vacated:



Legal Description Lot 50A:

Lots 50, 51, and 52, Navajo Ranch Estates, County of Huerfano, State of Colorado being more particularly described as follows:

Beginning at the Southeast corner of Lot 50, Navajo Ranch Estates, Thence N 72° 56' 45" W along the South line of said Lot 50, a distance of 255.00 feet. Thence on an arc of a curve to the Right through a central angle of 01° 34' 43", whose radius is 6142.84 feet and an arc length of 169.26 feet to the East right of way line of Buffalo Drive; Thence along the Easterly right of way line of Buffalo Drive the following two (2) courses:
 1. N 18° 54' 37" E, a distance of 209.93 feet
 2. On the arc of a curve to the left through a central angle of 31° 53' 25", whose radius is 565.0' and an arc length of 314.47 feet, to the Northwest corner of said Lot 52;
 Thence along said North line Lot 52, Navajo Ranch Estates N 75° 06' 38" E, for a distance of 448.66 feet to the Northeast corner of said Lot 52; Thence S 2° 31' 39" E along the East line of Lot 52 and 51 Navajo Ranch Estate, for a distance of 335.00 feet; Thence S 17° 03' 15" W along the West line of Lots 50 and 51, Navajo Ranch Estates, a distance of 435.00 feet to the Point of Beginning. Containing 6.33 Acres more or less. To be known as Lot 50A, Navajo Ranch Estates


SURVEYORS CERTIFICATION: I, William S. Bechaver, a Professional Land Surveyor registered in the State of Colorado, hereby certify to Dale and Susan Schwery, that this Map-Amendment and Easement Vacation is not based upon an actual field survey conducted by me or under my responsible charge, but was prepared using information shown on the Plat of Navajo Ranch Estates, filed for record at Map No. 230 of the records of the Huerfano County Clerk and Recorder. The property within this Map-Amendment and Easement Vacation may or may not be presently monumented and if it is monumented I have not confirmed that the property pins are accurately located.

By: _____ Date: _____
 William S. Bechaver, PLS. 38103

This is to Certify that this Map Amendment Plat, is hereby approved this _____ day of _____ 2023, by the Board of County Commissioners, County of Huerfano, State of Colorado.

By: _____ Date: _____
 Chairperson of the Board

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

 BH² LAND SURVEYING P.O. Box 20399, Colorado City, CO 81019 Phone: 719-676-2072 Email: bh2@ghvalley.net		
Scale 1" = 80'	Date: 2-17-2023	Drawn By: WSB
Sheet 1/1	Job No. 2023-017	

State Documentary Fee
\$30.00 05-27-2022

426852
Page 1 of 2
Nancy C. Cruz, Clerk & Recorder
Huerfano County, CO
05-27-2022 12:10 PM Recording Fee \$18.00

WARRANTY DEED

THIS DEED is dated the 27 day of May, ~~2022~~, and is made between

BARBARA HANNON SEAWELL
(whether one, or more than one), the "Grantor" of the County of ---
and State of Colorado and

SUSAN L SCHWERY and DALE A SCHWERY
the "Grantees", whose legal address is 4509 ARKINS DR,
LOVELAND, CO 80538 of the County of --- and State of Colorado

WITNESS, that the Grantor, for and in consideration of the sum of (\$300,000.00) Three Hundred Thousand Dollars and No Cents, the receipt and sufficiency of which is hereby acknowledged, hereby grants, bargains, sells, conveys and confirms unto the Grantees and the Grantees' heirs and assigns forever, not in tenancy in common but in joint tenancy, all the real property together with any improvements thereon, located in the County of Huerfano and State of Colorado described as follows:

LOTS 50, 51 AND 52, NAVAJO RANCH ESTATES, NAVAJO RANCH ESTATES PLAT MAP NO. 230, RECORDED JANUARY 11, 1984 AT RECEPTION NO. 293851, AND AMENDED PLAT MAP NO. 285, RECORDED FEBRUARY 22, 1985 AT RECEPTION NO. 298941, ACCORDING TO THE RECORDS OF THE CLERK AND RECORDER FOR HUERFANO COUNTY, COLORADO.

also known by street and number as: 51 N BUFFALO Drive, WALSENBURG, CO 81089

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, the reversions, remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the Grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the Grantees, and the Grantees' heirs and assigns forever.

The Grantor, for the Grantor and the Grantor's heirs and assigns, does covenant, grant, bargain, and agree to and with the Grantees, and the Grantees' heirs and assigns; that at the time of the ensembling and delivery of these presents, the Grantor is well seized of the premises above described; has good, sure, perfect, absolute and infeasible estate of inheritance, in law, and in fee simple; and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid; and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, except and subject to:

SEE ATTACHED EXHIBIT "A"

And the Grantor shall and will WARRANT AND FOREVER DEFEND the above described premises, in the quiet and peaceable possession of the Grantees, and the heirs and assigns of the Grantees, against all and every person or persons lawfully claiming the whole or any part thereof.

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

Barbara Hannon Seawell
BARBARA HANNON SEAWELL

Barbara Ann Seawell
AKA BARBARA ANN SEAWELL

State of Colorado
County of Huerfano

The foregoing instrument was acknowledged before me this 26th day of May, 2022 by Barbara Hannon Seawell AKA Barbara Ann Seawell

Witness my hand and official seal.
Stephanie Thomsen
Notary Public: Stephanie Thomsen
My Commission expires: 07/27/2024

Stephanie Thomsen
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID# 20264025824
MY COMMISSION EXPIRES 07/27/2024

EXHIBIT "A"
EXCEPTIONS TO TITLE

1. Taxes for the year 2022, a lien not yet due and payable.
2. Distribution of Utility Easements (including cable tv)
3. Those specifically described rights of third parties not shown by the public records of which Buyer has actual Knowledge and which were accepted by Buyer in accordance with § 8.3 (off record Title) and § 9 (New ILC or New Survey)
4. Inclusion of the Property within any special taxing district
5. Any special Assessment if the improvements were not installed as the date of Buyers' Signature hereon, whether assessed prior to or after closing.
6. Letter between Navajo Western Land Company and Myrna Cook, recorded July 7, 1999 at Reception No. 339914, and also recorded August 1999 at Reception No. 340579
7. Declaration of Past Practice, recorded August 14, 2003 at Reception No. 359638
8. By-Laws for Navajo Ranch Homeowners Association recorded April 28, 2008 at Reception No. 379851, and recorded April 8, 2009 at Reception No. 383157
9. Consent to Amend Restrictive Covenants for Navajo Ranch Estates, recorded September 18, 2002 at Reception No. 355477
10. Line Extension Contract and Agreement between San Isabel Electric Association Inc. and Kevin Seawell recorded March 22, 2000 at Reception No. 343515
11. Easement between San Isabel Electric Association Inc. and Barbara or Brent Seawell, recorded April 26, 2012 at Reception No. 393836



Huerfano County Land Use and Building Department

401 Main St
Walsenburg, CO 81089

(719) 738-1220, x506

LU-23-035

Vacate

SITE ADDRESS: BUFFALO DR N # 00051

PROJECT NAME: Consolidate Lots in Navajo Ranch Estates

PARCEL: 533419, 3339350 and 3339352

PERMIT INFO:

Merge lots 50, 51, 52 in Navajo Ranch Resorts.

APPLICANT: Schwery, Susan
51 Buffalo Drive North
Walsenburg, CO 81089
970-231-1988

OWNER: Susan and Dale Schwery

Acres: 6.23

Zone Rural Residential
HOA Navajo Ranch Resorts

VALUATION:	Quantity	Value	FEES:	Paid	Due
			Vacating of Plats Fee/Rights-of-Way/Easements	200.00	\$0.00
			Public Noticing	35.00	\$0.00
CONDITIONS				Total:	\$235.00
					\$0.00

The combined lots may not be re-subdivided in the future.

ACTION (by the authorized permitting authority)

Approved Conditional Approval Denial

Name _____

Signature _____ Date: _____

Comments _____

Title _____