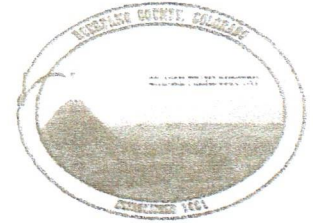


Huerfano County Land Use Department
400 Main Street, Suite B
Walsenburg, Colorado 81089
719-738-1220 ext. 103



GENERAL LAND USE APPLICATION

Application File No.: 20-027

1. ACTION(S) REQUESTED:

- | | |
|----------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Comprehensive Plan Text of Map Amendment | <input type="checkbox"/> Rezoning |
| <input type="checkbox"/> PUD or non-PUD Subdivision Approval: | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Sketch Plan | <input type="checkbox"/> Conditional Use Application |
| <input type="checkbox"/> Preliminary Plan | <input type="checkbox"/> Conditional Use Application / Oil, Gas or Uranium
Exploration and/or Development |
| <input type="checkbox"/> Final Plat / Subdivision Improvement Agreement | <input type="checkbox"/> Sign Permit |
| <input type="checkbox"/> Subdivision Exemption | <input type="checkbox"/> Temporary Use Permit |
| <input type="checkbox"/> Plat Amendment | <input type="checkbox"/> H.B. 1041 Text Amendment |
| <input type="checkbox"/> Plat Correction | <input type="checkbox"/> H.B. 1041 Development Permit |
| <input checked="" type="checkbox"/> Road Right-of-Way or Easement Vacation | <input type="checkbox"/> H.B. 1041 Flood Plain Exemption |
| <input type="checkbox"/> Lot Consolidation | |
| <input type="checkbox"/> Re-hearings of Denied Application | |
| <input type="checkbox"/> Other Actions (specify): _____ | |

2. APPLICATION STATUS (for County use only):

Date Application Received: 12-21-2020 Application Fees Required: 200⁰⁰
Received By: J. Steve Charnel Date Application Fees Paid: 12-21-2020

3. APPLICATION AND OWNER INFORMATION:

Name of Applicant: Fred Rodriguez, representative for Rodriguez Family Trust
Applicant's Mailing Address: 508 East 5th Street Walsenburg Colorado 81089
Applicant's Telephone and/or FAX: (719) 738-2222 or (719) 250-2334
Applicant's E-Mail Address: fred.rodriguez.2222@gmail.com
Name of Land Owner: Rodriguez Family Trust
Land Owner's Mailing Address: c/o 508 East 5th Street Walsenburg Colorado 81089
Land Owner's Telephone and/or FAX: (719) 738-2222

4. SUMMARY OF APPLICATION:

Land Area included within the scope of this Application: N/A Square Feet or Acres
Legal description of land on which action is proposed (please attach the legal description to this Application):
Existing Zoning District(s): Agricultural
Proposed New District(s): N/A
Number of Existing Lots: 3 Tract

Huerfano County Land Use Department
400 Main Street, Suite B
Walsenburg, Colorado 81089
719-738-1220 ext. 103



GENERAL LAND USE APPLICATION

Number of Proposed Lots: 3

Number of Proposed Dwelling Units: N/A

Proposed Average Lot Size: N/A

If a Variance Request, please state the reason for the Variance(s): N/A

Is all or a portion of the subject land located in a potential flood plain area, or are there areas with slopes in excess of twenty percent (20%)? YES NO

If YES, which of these conditions exist? Flooding where County Road 562 and County Road 565 meet.

Value of proposed new development: N/A

Will the proposed project require any State or Federal permits? YES NO

If YES, please list all permits or approvals required: _____

If a H.B. 1041 permit is required, for what matters of local concern and state interest? N/A

Please list any additional pertinent information: _____

5. CERTIFICATION BY THE APPLICANT:

I hereby certify that this Application is made with full knowledge of the design standards, all fees, procedures, public hearing and meeting requirements contained in the Huerfano County Land Use Regulations. Furthermore, I understand that all land use permits are non-transferrable, unless specifically approved by the Huerfano County Board of County Commissioners. The Board of County Commissioners may impose permit transfer fees as it deems appropriate. All documents submitted may be subject to internet publishing.

Signature of Applicant: Fred Rodriguez Date: 11-19-20

6. ACTION (by the authorized permitting authority):

Final Approval Conditional Approval Denial

Name _____ Signature _____

Title _____ Date _____

**Authorization for Fred Rodriguez to speak on behalf of Soledad3LLC
pertaining to our joint petition and request to
vacate County Road 565 in Huerfano County, Colorado**

Larry J. Rodriguez, Maria L. Rodriguez, and Salomé Ann Rodriguez-Thorson, equal owners of the Soledad3LLC, which holds our deeded property at 1398 County Road 565, Gardner, Colorado 81040; hereby authorize our cousin, Fred Rodriguez, who resides at 508 E. 5th Street in Walsenburg, Colorado, 81089, to speak on our behalf pertaining to our joint petition and request to vacate County Road 565 (7 miles SW of Gardner, Colorado).

Dated: 10-23-20

Salomé Ann R Thorson

Salomé Ann Rodriguez-Thorson
Soledad3LLC, Manager
33 Vista De Las Sandias
Placitas, NM. 87043
(925) 784-9937

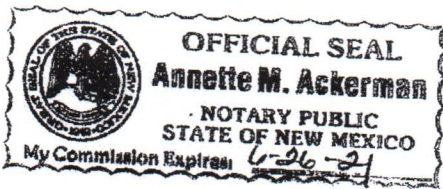
STATE OF: NEW MEXICO)
COUNTY OF SANDOVAL) ss.

The foregoing Authorization was acknowledged before me this 23rd day of October, 20 20 by Salomé Ann Rodriguez-Thorson.

Witness my hand and official seal.

My commission expires: 6-26-21

Annette M. Ackerman
Notary Public



WARRANTY DEED
(Gift Deed)

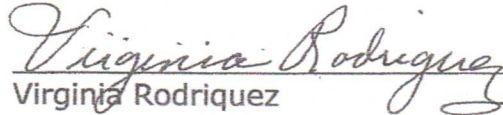
Virginia Rodriquez for the consideration of Ten Dollars,(\$10.00) in hand paid, hereby sells and conveys to **John M. Rodriguez, Fred Rodriguez, Frank Rodriguez, Max Rodriguez, Kent Campbell, and John Allen Campbell, as Trustees for the Rodriguez Family Trust dated March 19, 2009**, whose address is P.O. Box 1186, Walsenburg, CO 81089, and its assigns, the following real property in the County of Huerfano, State of Colorado to-wit:

Township 27 South, Range 70 West of the 6th P.M.

Section 17: NE1/4NW1/4, NW1/4NE1/4, together with all mineral rights and water rights owned by Grantor

with all its appurtenances and warrants title to the same, subject to 2009 general real estate taxes due and payable January 1, 2010, together with all reservations, easements, covenants and restrictions of record.

SIGNED this 19 day of March, 2009.


Virginia Rodriguez

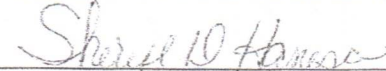
STATE OF COLORADO)
) ss.
COUNTY OF HUERFANO)

The foregoing Warranty Deed was acknowledged before me this 19th day of March, 2009, by Virginia Rodriquez.



My Commission Expires: 8-22-2012

WITNESS MY HAND AND OFFICIAL SEAL.


Notary Public

Section 2.15.02
#1 Proof of Ownership

POWER OF ATTORNEY

I, Virginia Rodriguez Trujillo, as Principal, appoint my son, John M. Rodriguez, as my lawful agent and attorney; if John M. Rodriguez is unable, unwilling or unavailable to act on my behalf, then I appoint my son, Fred Rodriguez as my lawful agent and attorney; Either shall have full power to act for me, in my name, to do any and all of the following:

- 1. Deposit with, withdraw and receive from any person or entity (including, but not limited to banks, trust companies, mortgage companies, credit unions, savings and loan associations, and industrial banks) any documents or assets which I now or hereafter may have or be entitled to;
- 2. Enter and re-enter any safe deposit box or vault and to deposit therein or withdraw therefrom any and all contents;
- 3. Purchase, sell, convey, transfer, lease, encumber, manage and otherwise deal with any real and personal property;
- 4. Make, endorse, accept, receive, sign, execute, acknowledge, and deliver deeds with or without warranties, deeds of trust, mortgages, leases, assignments, agreements, certificates, checks, notes, bonds, vouchers, receipts, stock certificates, stock powers, proxies, minutes, tax returns and any other instruments in writing of whatever kind;
- 5. Consent to or approve on my behalf any medical or other professional care, counsel, treatment, or service of or to me by a licensed or certified professional person or institution engaged in the practice of, or providing, a healing care or art. However, these powers are subject to the same limitations imposed upon a court-approved guardian contained in Section 15-14-315 C.R.S.
- 6. Have the powers conferred upon fiduciaries by the Colorado Fiduciaries' Powers Act (as it exists at the time of the execution of this Power of Attorney);
- 7. This Power of Attorney shall not be affected by my disability.

Virginia Rodriguez Trujillo
Virginia Rodriguez Trujillo

STATE OF COLORADO)
) ss.
COUNTY OF HUERFANO)

The foregoing Power of Attorney was acknowledged before me this 19th day of March, 2009, by Virginia Rodriguez Trujillo.

WITNESS MY HAND AND OFFICIAL SEAL.

Sherpa D. Hanson

(Notary Public)



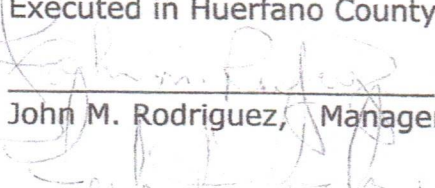
*Section 2.15.02
#1 Evidence of Authority*

MANAGEMENT AGREEMENT OF THE RODRIGUEZ FAMILY TRUST

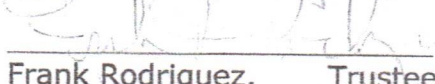
This Agreement entered into between the Rodriguez Family Trust (Trust) and John M. Rodriguez, (Manager) setting forth the duties and obligations of the Manager and agree as follows:

1. The Manager shall oversee all operations and expenditures related to the real estate held by the Trust.
2. The Manager shall have authority to negotiate water, land and mineral issues with interested individuals or corporations and shall conduct such negotiations in the best interests of the Trust.
3. The Manager shall have authority in matters involving livestock grazing, hazardous waste, and dumping or storage issues.
4. The Manager shall maintain records of all transactions pertaining to the operation of the Trust and will provide a copy of such documentation, concerning such operations as would allow a professional to determine accurately the nature of the expenditure and the amount thereof, upon request from the Board of Trustees.
5. The Manager shall have authority to assign to individual trustees, specific duties related to the ongoing maintenance and care of the Trust property and may further designate whether such contribution shall be by labor, material, or financial contribution or any combination thereof.
6. The Manager shall also promptly inform the Board of Trustees of any anticipated change in the operation of the Trust property or of any regulation, statute or rule asserted by any governmental entity that may require a change in the agricultural practices applied to the Trust property.
7. That the Manager herein shall serve with no compensation.
8. That the Manager shall be subject to the authority of the Board of Trustees.
9. That this Agreement may be cancelled by proper action by the Board of Trustees as set forth in the Trust Agreement.

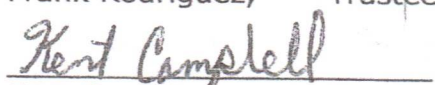
Executed in Huerfano County, Colorado this ____ day of March, 2009.



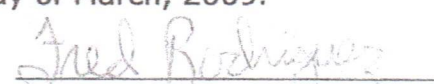
John M. Rodriguez, Manager



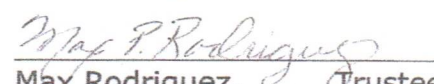
Frank Rodriguez, Trustee



Kent Campbell, Trustee

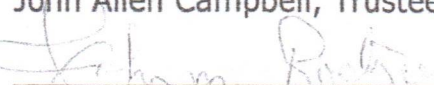


Fred Rodriguez, Trustee



Max Rodriguez, Trustee

John Allen Campbell, Trustee



John M. Rodriguez, Trustee

Section 2.15.02
#1 Evidence of Authority

Application for the Vacation of County Road 565

2.15.02 Submittal Requirements

2. "A copy of the approved and recorded plat or easement and a vacated plat. Said plat shall be prepared as a final plat and shall be prepared by and have the seal of a registered land surveyor, duly registered to practice in the state of Colorado."

I am hereby requesting that this requirement be waived.

Fred Rodriguez 11-19-20
Fred Rodriguez, Authorized Representative

Section 2.15.02

#2 Request for Waiver
in accordance with #4

To: Huerfano County Commissioners
Planning Commission

From: Fred Rodriguez, representative
Rodriguez Family Trust
c/o 508 East 5th Street
Walsenburg, Colorado 80189

Re: Application to Vacate County Road 565

November 19, 2020

I am submitting this application requesting the vacation of County Road 565 located in the Pass Creek area. The road is 20 feet wide and 1.62 miles in length. This road is located in a flood zone and has been washed out three times. The vacation of this road would relieve the County of the continued burden to repair and maintain it.

County Road 565 is not access to any public lands therefore the vacation would not deprive access to the hunters and visitors that come to our County. The road is surrounded on all sides by privately owned lands.

County Road 565 runs through our family ranch that my grandparents established. The road passes within 20 feet of the ranch house. Unfortunately, the road has provided easy access to those who would seek to steal, trespass and destroy our family ranch. The Rodriguez Family Trust has had many items stolen including, rear tractor tires, radiators from our 4-wheel drive pickups and parts off the haying equipment. The family ranch house has been ransacked numerous times. Examples of damage include, copper wires stripped out of the walls, copper pipes coming from the propane tank cut, and a hole cut in the kitchen floor. The garage has also been ransacked.

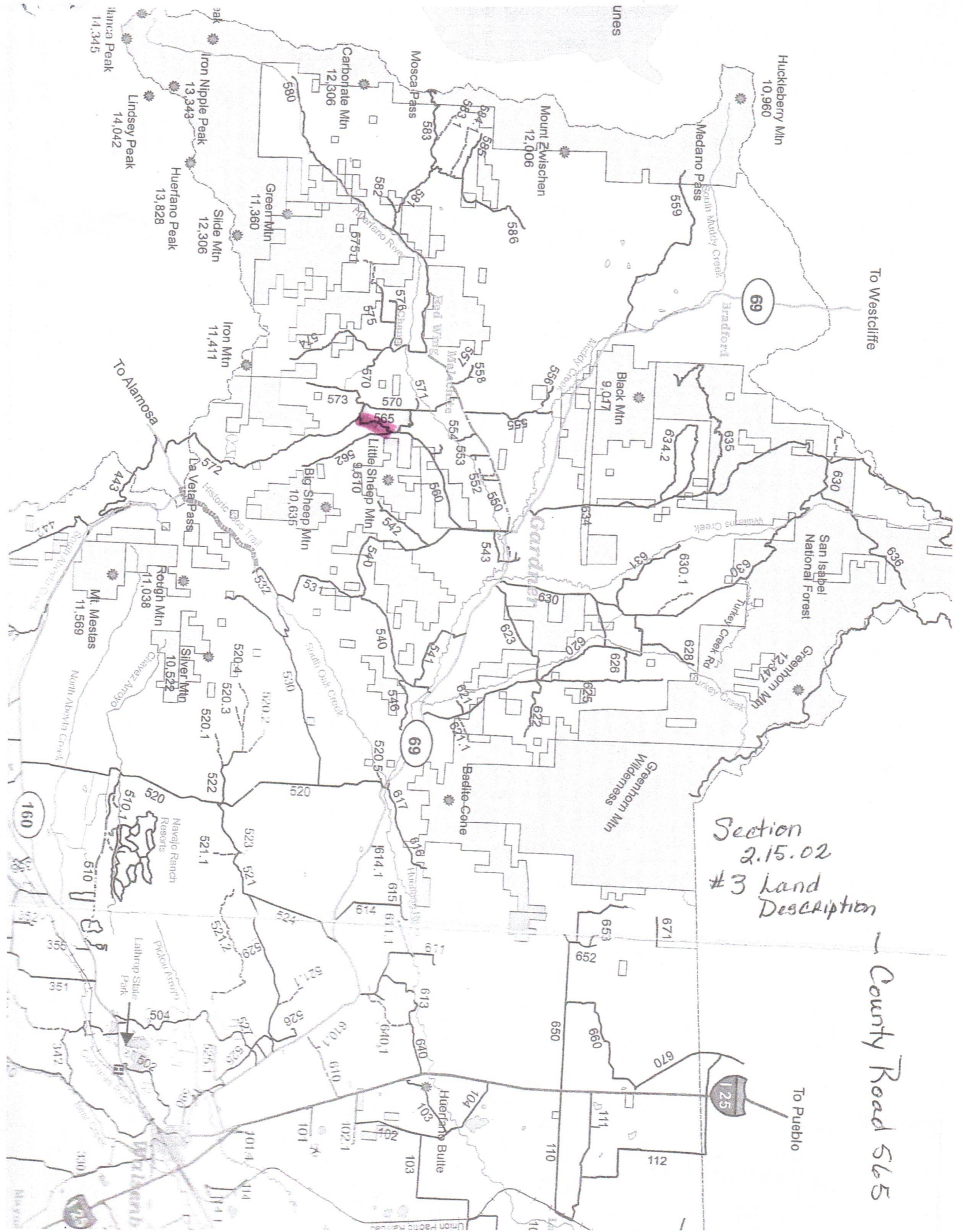
The Rodriguez Family Trust would like to save our family home, but with this road open to the public it's hard to get excited about spending time and money to rebuild. My family would accept the task of maintaining the road after vacation. All private property owners along the road would continue to have access to their lands, but criminal activity would be deterred. On behalf of the Rodriguez Family Trust, I urge you to vacate County Road 565 so that we can preserve of our ranch for our future generations.

Thank you for your consideration,

Fred Rodriguez 11-19-20

Fred Rodriguez, representative

*Section 2.15.02
#3 Narrative*



Section
2.15.02
#3 Land
Description

County Road 565

To Westcliffe

To Alamosa

To Pueblo

69

69

160

125

Huckleberry Mtn
10,960

Medano Pass
559

Mount Zwischen
12,006

Mosca Pass
583

Carborate Mtn
12,306

Iron Nipple Peak
13,343

Lindsey Peak
14,042

Huernano Peak
13,828

Slide Mtn
12,306

Great Mtn
11,360

Iron Mtn
11,411

Black Mtn
9,047

Little Sheep Mtn
10,635

Big Sheep Mtn
10,635

San Isabel
National Forest

Greenhorn Mtn
12,247

Greenhorn Mtn
Wilderness

Baetho-Cone

Navajo Ranch
Resorts

Lathrop State
Park

Mt. Mesitas
11,569

Rough Mtn
11,038

Silver Mtn
10,522

La Veta Pass

Historic 500s Trail

Lincoln Peak
14,345

Iron Nipple Peak
13,343

Huernano Peak
13,828

Slide Mtn
12,306

Iron Mtn
11,411

Big Sheep Mtn
10,635

Little Sheep Mtn
10,635

Rough Mtn
11,038

Silver Mtn
10,522

Navajo Ranch
Resorts

Lathrop State
Park

Mt. Mesitas
11,569

Huernano Peak
13,828

Slide Mtn
12,306

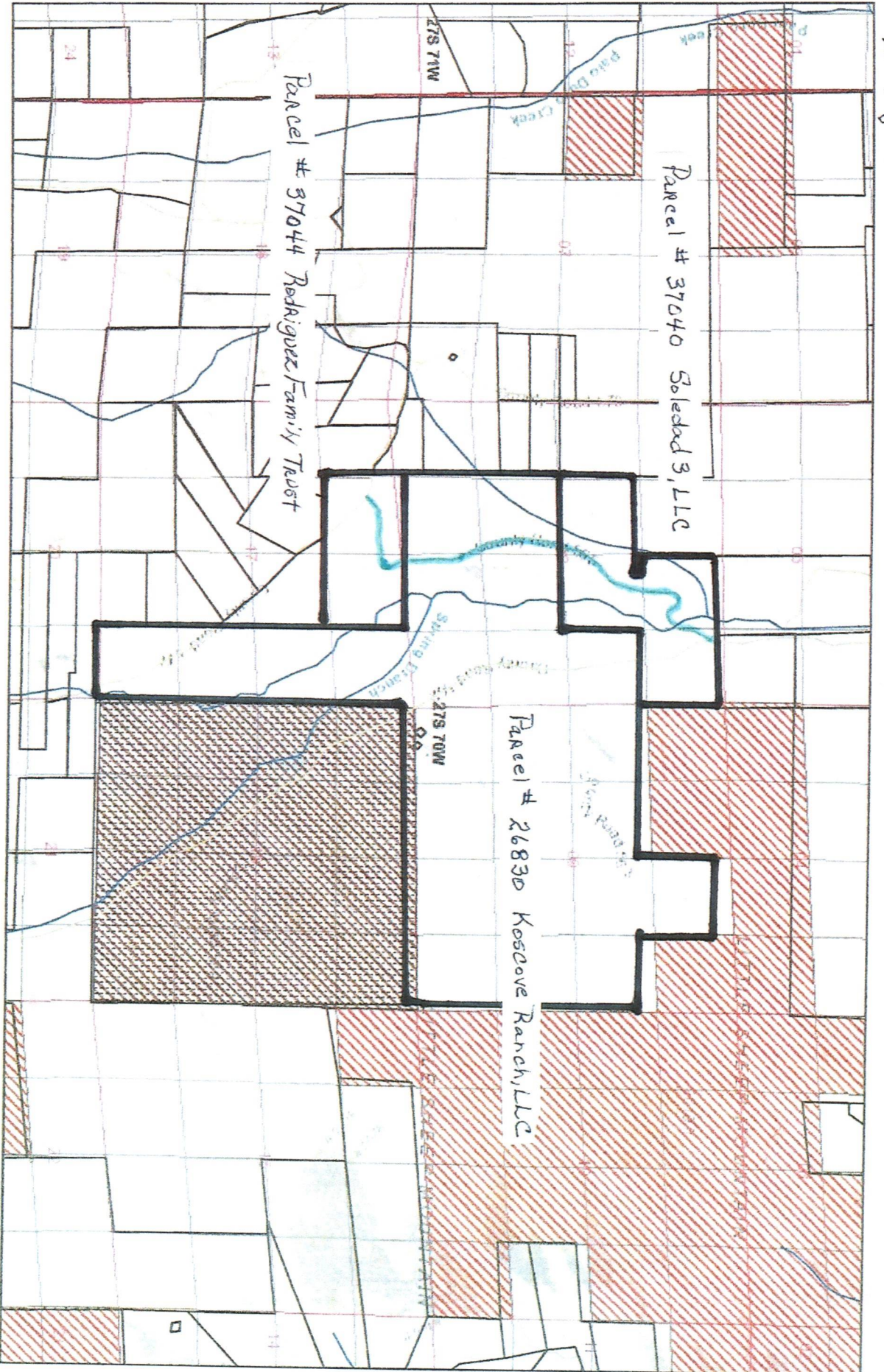
Iron Nipple Peak
13,343

Lindsey Peak
14,042

Lincoln Peak
14,345

Section 2.15.02
#2 Request for Waiver

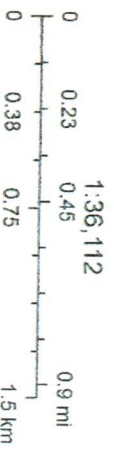
Huerfano County



12/7/2020, 10:02:46 PM

- Parcels
- State School Sections
- BLM
- Streams
- Roadways
- PLSS Intersected
- PLSS Section
- PLSS Township

C.R. 565



1:36,112

The information on this map was derived from digital databases created by Huerfano County GIS. Care
Public Viewer

Sources: Esri, HERE, Garmin, Intermap, increment P Corp, GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri

Rodriguez vacacion of County
Road 565

