

RESOLUTIONS, CONTRACTS, LEASES AND ORDERS
1972

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12-18-72 ✓ COOPERATIVE COMPREHENSIVE PLANNING, MONTEZUMA & DOLORES COUNTIES
12-26-72 ✓ CORTEZ MONTEZUMA COUNTY AIRPORT MANAGER

RESOLUTION

A RESOLUTION AUTHORIZING THE CORTEZ-MONTEZUMA COUNTY AIRPORT MANAGER TO AFFIX HIS SIGNATURE ON BEHALF OF THE COUNTY OF MONTEZUMA, COLORADO TO DOCUMENTS REQUIRED BY THE FEDERAL AVIATION ADMINISTRATION.

WHEREAS, certification of the Cortez-Montezuma Airport is required by the Federal Government and,

WHEREAS, the operations of the Cortez-Montezuma Airport require from time to time, the signatures of the Airport Manager on administrative documents,

NOW THEREFORE BE IT RESOLVED:

The Montezuma County Board of Commissioners hereby authorize the Manager of the Cortez-Montezuma Airport to affix his signature on their behalf, to those documents requiring signature.

APPROVED AND ADOPTED THIS 26th DAY OF December, 1972.



ATTEST:

Laurie H. Homan
Chairman

CK Hurdley
County Clerk

Resolution For Cooperative Comprehensive Planning
between
Montezuma County, Colorado and Dolores County, Colorado

WHEREAS: Montezuma and Dolores Counties through their Board of County Commissioners and appointed Planning Commission desire to engage in Active Planning for their respective counties, and

WHEREAS: Said Montezuma and Dolores Counties recognize that the planning program for the two counties are very similar in nature and therefore, should be conducted somewhat on a concurrent base, and

WHEREAS: As provided in CRS 106-2-4, governmental units of Colorado may join together in cooperative planning programs and contract with the State of Colorado, the United States, and all other legal entities,

NOW, THEREFORE, BE IT RESOLVED: And mutually agreed that the counties of Montezuma and Dolores, Colorado enter into this planning agreement which shall be effective from December 27, 1972 to December 31, 1973.

That the full scope of the work program which is hereby adopted in hereinafter set forth as follows:

I. Staff:

- A. A full time coordinator and secretary
- B. Such other part-time staff as may be required subject the approval of both counties Planning Commission.
- C. Such consultant services required subject to the approval of both the executive committee of the Boards of County Commissioners and the respective Planning Commissions.

II. Work Activities:

- A. As perscribed by the Work Study Design
- B. As may be required by the individual planning Commission.

THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF MONTEZUMA
STATE OF COLORADO

At a regular meeting of the Board of County Commissioners of Montezuma County, Colorado duly convened and held the 18th day of December, 1972, with the following persons in attendance:

Commissioners: Curtis Honaker, Stanley Talcott, and Dr. F.E. Reddert.

Commissioners absent: None

County Clerk and Recorder: C. K. Herndon

County Attorney: Robert Parga

The following proceedings, among others, were taken:

Resolution P40 1972

WHEREAS: Celia Bridgewater, owner of 5.39 acres more or less in the SE $\frac{1}{4}$ Section 17 Township 36N, Range 15W N.M.P.M. desires to sell 2.69 acres to separate owners.

WHEREAS: C.R.S. 106-2 as amended by Senate Bill 35, 1972 session of Colorado legislature provides such division of land is subject to regulations of the Montezuma County Subdivision Regulations except as exempt by the Montezuma County Board of Commissioners.

WHEREAS: James Bridgewater appeared on behalf of his wife before the Montezuma County Board of Commissioners on December 18, 1972, requesting exemption from the Subdivision Regulations of Montezuma County and requirements of Senate Bill 35. As a ten acre tract was purchased in 1969 with the intent to divide it among four members of a family group and some such division has already occurred and such plans are compatible for sewage disposal water and roads. It is further understood that should any more division of land in this tract be made resulting in tracts less than 35 acres, a plat will be filed in accordance with the Montezuma County Subdivision Regulations.

NOW THEREFORE: The Board of Commissioners of Montezuma County finds that this transfer is not within the purpose of the Montezuma County Subdivision Regulations or State of Colorado law and it is not the purpose of James Bridgewater on behalf of his wife to create a subdivision by division of the property by selling 2.69 acres. Therefore the Board hereby grants James Bridgewater on behalf of his wife a single exemption from the Montezuma County Subdivision Regulations and laws of Colorado to transfer by sale and deed 2.69 acres.

Commissioners voting Aye in favor of the Resolution were:

Honaker, Talcott and Reddert.

Commissioners voting Nay: _____

C. K. Herndon
County Clerk and Recorder of
Montezuma County, Colorado

Curtis Honaker
Stanley Talcott
F. E. Reddert

I certify that the above and foregoing Resolution is a true and correct copy of same as it appears in the minutes of the Board of County Commissioners of Montezuma County Colorado, and the votes upon same are true and correct.

Dated 18th day of December, 19 72.

(SEAL)

C. K. Herndon
County Clerk and Recorder of
Montezuma County, Colorado

THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF MONTEZUMA
STATE OF COLORADO

At a regular meeting of the Board of County Commissioners of Montezuma County, Colorado duly convened and held the 11th day of December, 1972, with the following persons in attendance:

Commissioners: Curtis Honaker, Stanley Talcott, and Dr. F.E. Reddert.

Commissioners absent:

County Clerk and Recorder: C.K. Herndon

County Attorney: Robert E. Parga

the following proceedings, among others, were taken:

Resolution P 39 1972

WHEREAS: J. T. Wilkerson Jr., and Adrian G. Fisher owners of 23 acres more or less in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 9, Township 36N, Range 16W N.M.P.M. desires to sell 15 acres more or less in the NE portion of this tract to a seperate owner.

WHEREAS: C.R.S. 106-2 as amended by Senate Bill 35, 1972 session of Colorado legislature provides such division of land is subject to regulations of the Montezuma County Subdivision Regulations except as exempt by the Montezuma County Board of Commissioners.

WHEREAS: J. T. Wilkerson Jr., having appeared before the Montezuma County Board of Commissioners on December 11, 1972, requesting exemption from the Subdivision Regulations of Montezuma County and requirements of Senate Bill 35, stating in fact that they are not subdividing their property in the intent of the act and regulation, and further states that no further division of land is intended at this time. It is further understood that should any more division of land in this tract be made resulting in tracts less than 35 acres, a plat will be filed in accordance with the Montezuma County Subdivision Regulations.

NOW THEREFORE: The Board of Commissioners of Montezuma County finds that this transfer is not within the purpose of the Montezuma County Subdivision Regulations or State of Colorado law and it is not the purpose of J. T. Wilkerson Jr., and Adrian G. Fisher to create a subdivision by division of their property by selling 15 acres more or less. Therefore the Board hereby grants J. T. Wilkerson Jr., and Adrian G. Fisher a single exemption from Montezuma County Subdivision Regulations and laws of Colorado to transfer by sale and deed 15 acres more or less.

Commissioners voting Aye in favor of the Resolution were:

Honaker, Reddert and Talcott.

Commissioners voting Nay:

NONE

Curtis Honaker

F. E. Reddert

Stanley Talcott

C.K. Herndon

County Clerk and Recorder of
Montezuma County, Colorado

I certify that the above and foregoing Resolution is a true and Correct copy of same as it appears in the minutes of the Board of County Commissioners of Montezuma County Colorado, and the votes upon same are true and correct.

Dated 11th day of December, 19 72

(SEAL)

C.K. Herndon
County Clerk and Recorder of
Montezuma County, Colorado

R E S O L U T I O N

WHEREAS, it has come to the attention of the licensing authority of the County of Montezuma that there is probable cause to believe that Avon C. Leavell d/b/a The Hut, and the holder of License Number 13-08055-001 has violated Regulation 4 (B) of the State of Colorado Department of Revenue Rules and Regulations and Statutes of the State of Colorado.

NOW THEREFORE, pursuant to the authority granted to the County Commissioners of Montezuma County as licensing authority, the Commissioners do herewith suspend, effective December 4, 1972, License Number 13-08055-001 belonging to Avon C. Leavell d/b/a The Hut, for a period of fifteen (15) days from and after December 4, 1972. Said Licensee is further ordered to show cause before the County Commissioners of Montezuma County on December 11, 1972, at the hour of 2:00 p.m., why his license should not be further suspended or revoked in its entirety for violation of said Regulation 4 (B) and Notice is herewith given by such County Commissioners that a hearing will be held in the office of the County Commissioners of Montezuma County, Montezuma County Courthouse, Cortez, Colorado, at the day and hour hereinabove set forth as to why Avon C. Leavell's license should not be suspended or revoked.

Further notice is herewith given that should Avon C. Leavell desire a transcript of such proceedings, that he shall furnish the means or method of reducing said hearing to writing at such date and hour.

PASSED, ADOPTED AND APPROVED this 4th day of December, 1972.

RETURN OF SERVICE

STATE OF COLORADO)
) ss
COUNTY OF MONTEZUMA)

I, CLARENCE C. Williams, Sheriff
of Montezuma County, Colorado, do hereby certify that I served
a true and correct copy of the above and foregoing Resolution
upon Avon C. Leavell by handing to and leaving with Avon
C. Leavell a copy of the same on this 4th day of December,
1972, at Forty Montezuma County, Colorado.

Clarence C. Williams
Sheriff

THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF MONTEZUMA
STATE OF COLORADO

At a regular meeting of the Board of County Commissioners of Montezuma County, Colorado duly convened and held the 4th day of Dec. 1972 with the following persons in attendance:

Commissioners: Stanley Talcott, Curtis Honaker

and F. E. Reddert.

Commissioners absent: None,

County Clerk and Recorder: C. K. Herndon,

County Attorney: Robert E. Parga,

the following proceedings, among others, were taken:

See Exhibit A attached hereto.

Commissioners voting Aye in favor of the Resolution were:

Stanley Talcott, Curtis Honaker and F. E. Reddert

Commissioners voting Nay: None

C. K. Herndon
County Clerk and Recorder of
Montezuma County, Colorado

I certify that the above and foregoing Resolution is a true and correct copy of same as it appears in the minutes of the Board of County Commissioners of Montezuma County, Colorado, and the votes upon same are true and correct.

Date this 4th day of December, 19 72.

(SEAL)

C. K. Herndon
County Clerk and Recorder of
Montezuma County, Colorado

E X H I B I T A

WHEREAS, by conveyance duly recorded, the Colorado Department of Highways and the County of Montezuma did receive a right-of-way for the construction and maintenance of a highway being numbered Colorado 145 over and across the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32, Township 39 North, Range 13 West, and

WHEREAS, the said Colorado No. 145 was relocated and an easement therefore duly and regularly taken and

WHEREAS, subsequently, the Colorado Department of Highways did vacate to Montezuma County that part of the old Colorado No. 145 not included in the relocation as presently existent and

WHEREAS, various persons are still using portions of the old Highway No. 145 and the County of Montezuma did not vacate said old Highway No. 145 and

WHEREAS, it is now the desire of the County to vacate said old Highway No. 145 and the same now crosses the real property held in the name of Stoner Creek, Inc. being a part of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32, Township 39 North, Range 13 West, and to provide for the protection of any persons which may be using said old Highway No. 145 for ingress and egress to properties located North and East of the Stoner Creek, Inc. premises, and

WHEREAS, the Commissioners have determined that that part of the roadway to be vacated is located entirely within said county, does not constitute boundary line between two counties and that no land adjoining said roadway will be left without an established public road.

NOW THEREFORE, BE IT RESOLVED that the Board of County Commissioners, pursuant to the authority vested within them, do hereby vacate that part of the old Colorado Highway No. 145 crossing and touching upon that part of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32, Township 39 North, Range 13 West, belonging to Stoner Creek, Inc.

as the same presently appears upon the records of Montezuma County provided that Stoner Creek, Inc., a Colorado corporation shall furnish to Mary Jane Millard, Joseph Peter Schwan, Anthony Valentine Schwan, Barbara Joan Schwan, Leo Weiner and Marcia Weiner, a method of ingress and egress to such persons real property located North and East of Stoner Creek, Inc. premises; which persons presently have easements or ingress or egress across said Stoner Creek, Inc. premises.

THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF MONTEZUMA
STATE OF COLORADO

At a regular meeting of the Board of County Commissioners of Montezuma County, Colorado duly convened and held the 4th. day of Dec. 19 72, with the following persons in attendance:

Commissioners: Curtis Honaker, Stanley E. Talcott
and F. E. Reddert.

Commissioners absent: None.

County Clerk and Recorder: C. K. Herndon.

County Attorney: Robert E. Parga.

the following proceedings, among others, were taken:

Whereas, Senate Bill #35 provides for an exception of transfers of land or property by operation of law or by order of court, and

Whereas it does not provide any exceptions where the conveyance is by agreement and deed under threat of condemnation.

NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of the County of Montezuma does hereby exclude, under 106-2-33 (3) (d), C.R.S. 1963, as amended, from the provisions of Article 106, Section 2, C.R.S. 1963, as amended, any transfer or division of property or parcel of land, for public purposes, to or from the state of Colorado, its agencies or divisions. The Commissioners so find that such a division or transfer of land is not within the purposes of C.R.S., Article 106, Section 2.

Commissioners voting Aye in favor of the Resolution were:

Stanley Talcott, Curtis Honaker and F. E. Reddert.

Commissioners voting Nay: None

Curtis Honaker
Stanley E. Talcott
F. E. Reddert

C. K. Herndon
County Clerk and Recorder of
Montezuma County, Colorado

C. K. Herndon

I certify that the above and foregoing Resolution is a true and correct copy of same as it appears in the minutes of the Board of County Commissioners of Montezuma County, Colorado, and the votes upon same are true and correct.

Date this 4th. day of December, 19 72.

(SEAL)

C. K. Herndon
County Clerk and Recorder of
Montezuma County, Colorado

THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF MONTEZUMA
STATE OF COLORADO

At a regular meeting of the Board of County Commissioners of Montezuma County, Colorado duly convened and held the 20th day of Nov. 1972 with the following persons in attendance:

Commissioners: Curtis Honaker, F. E. Reddert
and Stanley E Talcott.

Commissioners absent: _____,

County Clerk and Recorder: C. K. Herndon,

County Attorney: Robert E Parga,

the following proceedings, among others, were taken:

WHEREAS, a line item in the amount of \$2000.00 for a part time nurse and physical therapist was deleted from the Health Department budget for the year 1973, and;

WHEREAS, the Medicare program requires the inclusion of this item to qualify for home care payments, and;

WHEREAS, income generated by this program will off set the amount expended,

NOW THEREFORE BE IT RESOLVED, that the Health Department budget for the year 1973 is hereby amended and like funds appropriated in the amount of \$2000.00 to reinstate said program.

Commissioners voting Aye in favor of the Resolution were:

Curtis Honaker, F. E. Reddert and Stanley E Talcott.

Commissioners voting Nay: none

C. K. Herndon
County Clerk and Recorder of
Montezuma County, Colorado

Curtis Honaker
F. E. Reddert
Stanley E Talcott

I certify that the above and foregoing Resolution is a true and correct copy of same as it appears in the minutes of the Board of County Commissioners of Montezuma County, Colorado, and the votes upon same are true and correct.

Date this 20th day of November, 1972.

(SEAL)

C. K. Herndon
County Clerk and Recorder of
Montezuma County, Colorado

THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF MONTEZUMA
STATE OF COLORADO

At a regular meeting of the Board of County Commissioners of Montezuma County, Colorado duly convened and held the 6th day of Nov. 19 72, with the following persons in attendance:

Commissioners: Curtis Honaker, F. E. Reddert
and Stanley Talcott.

Commissioners absent: _____,

County Clerk and Recorder: C. K. Herndon,

County Attorney: Robert Parqa,

the following proceedings, among others, were taken:

NOW BE IT RESOLVED by the Board of County Commissioners of the County of Montezuma that under and as provided by C.R.S. 1963, Chapter 105, Article 7, as amended, do hereby authorize, adopt and provide for a program authorizing the County Court and the District Court of Montezuma County, Colorado to grant the privilege of leaving the Montezuma County jail during necessary and reasonable hours to and for any person sentenced to confinement in said Montezuma County jail for any of the purposes set forth in said statute during the term of said person's sentence and confinement, said privilege to be granted to be subject to the terms and provisions of said statute.

Commissioners voting Aye in favor of the Resolution were:

Honaker, Reddert and Talcott.

Commissioners voting Nay: none

Curtis Honaker
F. E. Reddert
Stanley Talcott
C. K. Herndon
County Clerk and Recorder of
Montezuma County, Colorado

I certify that the above and foregoing Resolution is a true and correct copy of same as it appears in the minutes of the Board of County Commissioners of Montezuma County, Colorado, and the votes upon same are true and correct.

Date this 6th day of November, 19 72.

(SEAL)

C. K. Herndon
County Clerk and Recorder of
Montezuma County, Colorado

THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF MONTEZUMA
STATE OF COLORADO

At a regular meeting of the Board of County Commissioners of Montezuma County, Colorado duly convened and held the 6th day of Nov 19 72, with the following persons in attendance:

Commissioners: Curtis Honaker, F. E. Reddert
and Stanley E Talcott.

Commissioners absent: _____,

County Clerk and Recorder: C. K. Herndon,

County Attorney: Robert E Parga,

the following proceedings, among others, were taken:

WHEREAS, Montezuma County Courthouse Authority has presently outstanding a series of bonds issued for the purpose of construction of part of Montezuma County Courthouse and which bonds carry interest thereon and are callable upon a semi-annual basis and;

WHEREAS the Montezuma County Courthouse Authority and the Montezuma County Commissioners desire to retire said indebtedness thereby represented and;

WHEREAS the Board of Montezuma County Courthouse Authority has requested the allocation and advancement of funds in the amount of \$50,000.00 for the purpose of full retirement of said indebtedness;

NOW THEREFORE BE IT RESOLVED that the County Clerk of Montezuma County is hereby authorized to prepare and have issued a warrant payable from the funds of Montezuma County, particularly the Public Works funds thereof, which warrant shall be made payable to the First National Bank of Denver Trust Department and to them delivered.

Commissioners voting Aye in favor of the Resolution were:

Honaker, Reddert and Talcott.

Commissioners voting Nay: None

Curtis Honaker
Stanley E Talcott
F. E. Reddert
C. K. Herndon
County Clerk and Recorder of
Montezuma County, Colorado

I certify that the above and foregoing Resolution is a true and correct copy of same as it appears in the minutes of the Board of County Commissioners of Montezuma County, Colorado, and the votes upon same are true and correct.

Date this Sixth day of November, 19 72.

(SEAL)

C. K. Herndon
County Clerk and Recorder of
Montezuma County, Colorado

Resolution No. 425-D
Approved August 2, 1972

BE IT HEREBY RESOLVED, that State Highway 145 in Montezuma County be relocated to follow the alignment of Project Nos. RS 0145(4) and S 0145(5), and

BE IT FURTHER RESOLVED, that the portion of State Highway 145, from its junction with State Highway 147 easterly into the city limits of Dolores (approximately 2.0 miles), is hereby abandoned as a part of the State Highway System, effective August 2, 1972.

WHEREAS: Montezuma County Board of Commissioners has adopted Subdivision Regulations effecting all lands in the unin-corporated portions of the County and same became effective January 31, 1972; and

WHEREAS: State statue concerning matters of subdivision of land and authority to regulate was amended in the 1972 Legislative Session by Senate Bill 35; and

WHEREAS: Senate Bill 35 requires several specific changes in Montezuma County Subdivision Regulations; and

C WHEREAS: There has been also recommendations by The Montezuma County Planning Commission to amend the section concerning road rights of ways in a subdivision;

P NOW THEREFORE BE IT RESOLVED: By the Board of County Commissioners of Montezuma County, Colorado, convened in regular session and following a Public Hearing, called for the purpose of hearing matters concerning Subdivision Regulations, and the amendments thereto, that the attached and hereto annexed amended Subdivision Regulations of Montezuma County, Colorado, be and the same hereby adopted as regulations governing the subdivision of land in the unincorporated territory of the County of Montezuma, State of Colorado.

P BE IT FURTHER RESOLVED: That these regulations shall take effect this 28th day of August, 1972, and that a certified copy of these regulations be filed in the office of the County Clerk and Recorder of Montezuma County, Colorado.

Y Done and adopted in a regular session by the Board of Commissioners of Montezuma County, Colorado, duly held this 28th day of August, 1972.

BOARD OF COUNTY COMMISSIONERS
MONTEZUMA COUNTY, COLORADO

By Laurie Henoxer Chairman

By D. E. Rapp Commissioner

By Charles E. H. Commissioner

ATTEST:

C. K. Hendon
County Clerk & Recorder

SUBDIVISION REGULATIONS

Montezuma County, Colorado

As Amended August 28
1972

SECTION

TITLE, AUTHORITY, JURISDICTION, AND PURPOSES

1-1

Title and Short Title

A

Title - A resolution establishing rules, regulations and standards governing the subdivision of land within the County, setting forth the procedures to be followed by the Board of County Commissioners in applying and administering these rules, regulations and standards, and setting forth the penalties for the violation thereof as established by the State of Colorado.

B

Short Title - These Regulations shall be known and may be cited as "The County Subdivision Regulations of 1972, of Montezuma County."

1-2

Authority, Jurisdiction and Enforcement

A

The County is enabled by law to control the subdivision of all of the unincorporated land within the county limits by virtue of Section 106-2-34 of the Colorado Revised Statutes of 1963, as amended.

B

Colorado Revised Statutes 106-2-34, amended.

P

Any person, partnership, or corporation intending to subdivide land as defined in this Section 1-2 regulations shall submit plans and plats as required by and specified in these regulations to the Board of County Commissioners, Montezuma County, located at: Montezuma County Courthouse.

Y

(1) Plans and Plats of proposed subdivision of land within the scope of these regulations located within the county shall be submitted for review and approval before the Board of County Commissioners before such plans may be recorded with the County Recorder of Deeds. To ensure uniformity and environmental protection such plans shall conform to and follow procedures and standards as specified in these regulations.

(2) Such plats shall not be filed with the County Recorder of Deed unless a notation has been made on the Record Plat by the Board of County Commissioners certifying that the Board of County Commissioners have approved the plat in accordance with these regulations.

(3) "Subdivision" or "subdivided" means any parcel of land which is divided into two or more parcels, separate interests, or interests in common, unless exempted under paragraphs (a), (b), (c) of this subsection (2).

(a) The terms "subdivision " and subdivided land" as defined in paragraph (3) of this subsection (2) shall not apply to any division of land which creates parcels of land each of which comprise thirty-five or more acres of land, none of which is intended for use by multiple owners.

(b) (1) Unless the method of disposition is adopted for the purpose of evading this article, the terms "subdivision" and "subdivided land", as defined in paragraph (3) of this subsection (2), shall not apply to any division of land;

(ii) Which creates parcels of land, such that the land area of each parcel, when divided by the number of interests in any such parcel, results in thirty-five or more acres per interest;

(iii) Which is created by order of any court in this state or by operation of law;

(iv) Which is created by a lien, mortgage, deed of trust or any other security instrument;

(v) Which is created by a security or unit of interest in any interest in any investment trust regulated under the laws of this state or any other interest in an investment entity;

(vi) Which creates a cemetery lot;

(vii) Which creates an interest or interests in oil, gas, minerals, or water which are now or hereafter severed from the surface ownership or real property; or

(viii) Which is created by the acquisition of an interest in land in the name of a husband and wife or their persons in joint tenancy, or as tenants in common and any such interest shall be deemed for purposes of this subsection (2) as only one interest.

(c) The Board of County Commissioners may pursuant to rules and regulations or resolution, exempt from this definition of the terms "subdivision" and subdivided land" any division of land if the Board of County Commissioners determines that such division is not within the purposes of this article.

(4) The resubdivision of any existing lot or lots of any subdivision previously recorded with the County Recorder of Deed, or of any subdivision previously approved by the County Planning Commission or Board of County Commissioners.

(5) The term "Subdivider" and "Developer" means any person, firm, partnership, joint venture, association, or corporation who shall participate as owner, promoter, developer, or sales agent in the planning, platting, development, promotion, or lease of a subdivision.

1-3

Acceptance of Public Lands

Approval of a subdivision by the Board of County Commissioners shall not constitute an acceptance by the County of the roads, streets, alleys, or other public lands unless so dedicated on the plat. The dedication of any of these lands for public use of any nature within the County may be accepted by the County by specific action of the Board of County Commissioners by filing a Certificate of Dedications and Ownership. (Appendix D).

1-4

Statement of Purposes

To assist orderly, efficient, and intergrated development of the County,

To promote the health, safety, and general welfare of the residents of the County.

To ensure conformance of land subdivision plans with the public improvement plans of the County and its various municipalities.

To ensure coordination or inter-municipal public improvement plans and programs.

To encourage well planned subdivisions by establishing adequate standards for design and improvement.

To improve land records by establishing standards for surveys and plans;

To safeguard the interests of the public, the homeowner, and the subdivider.

To secure equitable handling of all subdivision plans by providing uniform procedures and standards.

SECTION 2

PROCEDURES FOR SUBMISSION

2-1

The following submission procedures shall apply;

A

Sketch Plan

The subdivider shall first submit a Sketch Plan to the Board of County Commissioners which may be a rough sketch of the general area to be covered by the subdivision and its site characteristics along with a general layout of the lots and roadways or streets proposed. Reports and data as required under submission requirements (section 3) shall be submitted.

B

Preliminary Plan

Twelve (12) copies of the Preliminary Plan shall be submitted to the Board of County Commissioners following approval of the Sketch Plan and supporting documents by the Board. The Board or its agents shall then submit prints of the plan to the various agencies as required.

C

Final Plat

The Final Plat submission shall conform to the approved Preliminary Plan. A subdivider shall file a Final Plat with the County Recorder of Deeds within twenty (20) days of the date of the Board of County Commissioners resolution approving the Plat; thereafter approval will have expired.

D

Conformity to These Regulations

Sketch Plans, Preliminary Plans, and Final Plats shall conform to the requirements and specifications of these regulations and shall be submitted in the manner prescribed.

E

Board of County Commissioners Action

Failure of the Board of County Commissioners to act on a Sketch Plan, Preliminary Plan, or Final Plat within thirty-five (35) days of the receipt of Plans or Plats, shall be deemed a favorable approval, and the subdivider may request a certificate from the Board to that effect.

F

Acceptance of Street and Public Land Dedication

Acceptance of dedication of proposed public lands or fees in lieu of, streets and street right-of-ways can only be made by the Board of County Commissioners. Dedication may be made by proper certification on the Final Plat or by Dedication Certification (Appendix D) and acted upon separately by the Board.

SECTION 3

SKETCH PLAN

3-1

Submission Requirements

Copies of all required sketches, maps, drawings and supporting documents shall be officially submitted to the Board of County Commissioners (or their authorized representative) by the subdivider (or his authorized representative).

A

Plan Requirements

(1) One copy of a sketch of the proposed subdivision shall be submitted along with topographic and aerial maps that will fairly represent the general area of the subdivision. The sketch shall give a general outline of the proposed lots, streets, right-of-ways, and other developments proposed.

Supporting Documents Required:

The following reports and data shall accompany the Sketch Plan when filed;

(a) Property and ownership, zoning districts, taxing districts and other special districts;

(b) Reports concerning topography and vegetation, water courses and lakes;

(c) Reports concerning the geological characteristics of the area significantly affecting the land use and determining the impact of such characteristics on the proposed subdivision;

(d) Reports concerning streams and lakes of the area;

(e) Reports of the potential radiation hazards of the general area of the subdivision;

(f) Maps and reports concerning the suitability of the types of soil in the proposed subdivision, in accordance with the National Cooperative Soil Survey;

(g) Reports showing the total number of dwelling units and location of nonresidential sights and the square feet of floor space for non-residential developments. Also the total number of off street parking spaces proposed excluding those associated with single family residences;

(h) Report of the total gallons of domestic water use per day and number of gallons of central sewage treatment per day where central water and or sewer collecting systems are proposed;

(i) Evidence and reports to show that a water supply is sufficient in terms of quality, quantity, and dependability to ensure an adequate supply of water to the type of subdivision proposed. Such evidence may include but not limited to;

(1) Evidence of ownership or right of acquisition of or use of existing and proposed water rights;

(2) Historic use and estimated yield of claimed water rights;

(3) Amenability of existing rights to a change in use;

(4) Evidence that public or private water owners can and will supply water to the proposed subdivision stating the amount of water available for use within the subdivision and the feasibility of extending service to that area.

(5) Evidence concerning the potability of the proposed water supply for the subdivision;

Review Procedures - Sketch Plan

The Board of County Commissioners shall refer the Sketch Plan and all supporting documents to the County Planning Commission for their review and comments.

The County Planning Commission shall review the Sketch Plan and the supporting documents for the developments relationship to the County Master Plan, zoning, and the other proposed developments. The County Planning Commission must respond to the Board of County Commissioners as to their findings within thirty (30) days.

Within thirty-five (35) days of the date of the submission of the Sketch Plan the Board of County Commissioners shall act to approve, disapprove, or amend the plan. The Board of County Commissioners and the subdivider shall also meet in conference to generally outline the procedures of filing the Subdivision Plats and documents, discuss and consider any variances that may be requested, clarify any interpretations of the regulations that may be called for, and generally review the general objectives of the subdivider and the County.

SECTION 4 PRELIMINARY PLAN

4-1 Submission Requirements

Copies of all maps, plats, and other required material shall be officially submitted to the Board of County Commissioners at a regularly scheduled meeting of the Commissioners.

A Plan Requirements

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- (1) One copy of an Application for Approval (see Appendix A) of a Preliminary Plan and all required supporting documents.
 - (2) A minimum of Twelve (12) black on white or blue on white prints of the Preliminary Plan.
 - (3) One additional print is required when the property being subdivided abutts a state highway.
 - (4) One additional print is required when central sanitary sewage disposal system is proposed.
 - (5) When a proposed subdivision in the County lies wholly or partially within two miles of the incorporated limits of a municipality, an additional print shall be included for each such county or municipality.
 - (6) Three (3) copies of the on-lot Sewage Disposal Report (APPENDIX B) shall be submitted where applicable in accordance with the requirements of these regulations.
 - (7) Payment of the required filing fee (Section 14).
 - (8) A receipt shall be issued for the Preliminary Plan submission to the subdivider when it has determined that the submission includes all the requirements set forth in these regulations.

Drawing Requirements

The accuracy of location of alignments, boundaries, and monuments shall be certified by a registered land surveyor licensed to do such work in the State of Colorado. A workman like execution of the plan shall be made in every detail. A poorly drawn or illegible plan is sufficient cause for its rejection.

The following data shall be submitted as part of the Preliminary Plan submission.

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- (1) A vicinity sketch showing perimeter outline of the plan, accesses, abutting subdivision outlines and names, and other relevant information within a $\frac{1}{2}$ mile distance of the perimeter of the proposed plat.
- (2) A traverse map of the monumented perimeter of the subdivision. The traverse shall have an error of closure of not greater than one in 5000. Survey tie into the state grid or other permanent marker established by the County surveyor is required if practical.
- (3) The existing contours at twenty (20) foot intervals shall be shown for all lands within the tract. Where special drainage problems may be evidenced, the Board of County Commissioners may required drainage basin contours at two (2) or Five (5) foot intervals and such determination shall be made at the time of acceptance of the Sketch Plan.
- (4) Lot and street layout.
- (5) Dimensions of all lots to nearest foot.
- (6) Total acreage of entire tract.
- (7) Lot and blocks numbered consecutively.
- (8) Location and identification of all existing and proposed public and private easements.
- (9) The plan shall be drawn to a scale not less than one inch equals two hundred (200) feet, which shall indicate the true north line, name of the subdivision, USGS township, range, section and quarter section; block and lot number (of the property under consideration).
- (10) Existing and proposed street names.
- (11) Abutting property lines and the respective owner's names.
- (12) In cases of wooded areas, indicate the outline of wooded area and location of trees which are to remain. It is the intent for design evaluation rather than to require unnecessary surveying in of exact three locations.
- (13) A statement that the applicant is the owner, equitable owner, or authorized by the owner, in writing, to make application for the land proposed to be subdivided.
- (14) Sites, if any, for multi-family dwelling, shopping centers, community facilities, industry, or other uses, exclusive of single family dwellings.

Supporting Documents Required

The following material shall accompany the Preliminary Plan and be considered a part of the submission;

- A Three (3) copies of the Sewage Disposal Report (APPENDIX B) where on-lot sewage treatment is proposed.

When on-lot water supply and/or on-lot sanitary sewage disposal is proposed for the subdivision, the Board of County Commissioners shall refer a copy of the Preliminary Plan to the County Department of Health for their report on the suitability of the land for the proposed facilities in relation to the existing public health standards and to the regulations contained herein.

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A location map showing the following;

- (1) Related highway system.
- (2) Subdivision boundary lines.
- (3) Zoning districts, taxing districts, and other special districts if any.
- (4) Water courses, and lakes.
- (5) Significant vegetation patterns.

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A map at a suitable scale showing the following;

- (1) Proposed future street layout in dashed line for any portion or parcel of the plan which is not being subdivided at the present time.
- (2) The approximate boundaries of the areas subject to inundation or stormwater overflows of an intensity calculated to occur with a return frequency of once every hundred years.
- (3) Existing buildings, easements, powerlines, and other features located on the subdivision and within 200 feet of its boundaries.

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Review Procedures - Preliminary Plan

- A When a Preliminary Plan has been officially submitted and received, it shall be placed on the agenda of the Board of County Commissioners meeting next scheduled for the subdivision review, provided that a minimum of thirty (30) calendar days have elapsed between the submission date of the meeting. This meeting shall be public meeting. At such time comments from the general public may be heard and given due consideration.

B

The Board of County Commissioners, or its authorized representatives, shall immediately, upon receipt of the complete submission, distribute copies of prints of the plan provided by the subdivider as follows;

- (1) To the County Planning Commission;
- (2) To each county or municipality within a two-mile radius of any portion of the proposed subdivision;
- (3) To the appropriate school districts;
- (4) To any utility, local improvement and service district, or ditch company, when applicable;
- (5) To the Colorado State Forest Service, and or the U. S. Forest Service when applicable;
- (6) To the local soil conservation district board or boards within the County for explicit review and recommendations regarding soil suitability and flooding problems. Such referral shall be made even though all or part of a proposed subdivision is not located within the boundaries of a conservation district.
- (7) When applicable, to the County, district, regional or state department of health, for their review of the on-lot sewage disposal reports, for review of the adequacy of existing or proposed treatment works to handle the estimated effluent, and for a report on the water quality of the proposed water supply to serve the subdivision;
- (8) When applicable, to the state engineer for an opinion regarding material injury to the decreed water rights, historic use of an estimated water yield to supply the proposed development and conditions associated with said water supply evidence. The state engineer shall consider the cumulative effect of on-lot wells on water rights and existing wells;
- (9) To the Colorado geological survey for an evaluation of those geologic factors which would have a significant impact on the proposed use of the land;

(a) The agencies named in this section shall make recommendations within twenty-four (24) days after the mailing by the county or its authorized representatives of such plans unless necessary extension of not more than thirty (30) days has been consented to by the subdivider and the board of county commissioners of the county in which the subdivision is located. The failure of any agency to respond within twenty-four (24) days or within the period of an extension shall for the purpose of the hearing on the

plan be deemed an approval of such plan, except where such plan involves twenty or more dwelling units, a school district shall be required to submit within said time limit specific recommendations with respect to the adequacy of school sites.

(b) The provisions of this article shall not modify the duties or enlarge the authority of the state engineer of the division of engineers, nor divest the water courts of jurisdiction over actions concerning water right determinations and administration; neither shall any opinion of the state engineer submitted under subsection (1) (i) or this section, nor any findings by a Board of County Commissioners concerning subdivision water supply matters create any presumption concerning injury or noninjury to water rights, and neither findings may be used as evidence in any administrative proceeding or in any judicial proceeding concerning water right determination or administration.

The Board of County Commissioners shall act on the Preliminary Plan within thirty-five (35) days of receipt of filing of the Preliminary Plan.

SECTION

5

FINAL PLAT

5-1

Submission Requirements

Copies of all required material shall be officially submitted to the Board of County Commissioners (or their authorized representative) by the subdivider (or his authorized representative). Final Plats shall be submitted for approval within twelve-months (12) of the date a Preliminary Plan has been approved by the Board of County Commissioners, and at least ten (10) days prior to Commissioners regularly scheduled meeting. No Final Plat submission can be accepted which has exceeded this time lapse period. An extension of time may be granted by the Board of County Commissioners upon written request. Plats submitted for which Preliminary Plan approval has been given in excess of twelve months previous and for which no time extension has been granted may be considered by the Board of County Commissioners as a new Preliminary Plan.

Plat Requirements

(1) The Final Plat submission shall conform in all major respects to the Preliminary Plan as previously reviewed and approved by the Board of County Commissioners and shall incorporate all modifications required in its review. The Board, however, may approve Final Plat which has been modified to reflect improvements in design or changes which have occurred in its natural surroundings and environment since the time of the Preliminary Plan review and approval.

(2) A Final Plat may be submitted in sections covering representative and reasonable portions of the subdivision tract. In such cases submission shall include the Key Map, indicating the sections designated for the entire tract.

(3) One (1) copy of application form (APPENDIX A) for review of a Final Plat and all required supporting documents.

(4) Seven (7) black on white or blue on white prints of the Final Plat.

(5) A receipt shall be issued of the Final Plat submission to the subdivider (or his authorized representative) when it has been determined that the submission includes all the requirements set forth in these regulations.

Drawing Requirements

The Final Plat drawing shall comply with the following standards;

(1) The plat shall be prepared and certification made as to its accuracy by a registered land surveyor licensed to do such work according to the State of Colorado. A workman like execution of the plat shall be made in every detail. A poorly drawn or illegible plat is sufficient cause for its rejection.

(2) There shall be one copy of the plat delineated in India Ink on water-proof tracing cloth, mylar or other permanent type material that is reproducible. Copies for permanent filing with the Board of County Commissioners, County Planning Commission and other agencies shall be either blue or black line reproductions with the supporting certificates signed in original for each copy. The size of the plat shall be;

twenty-three (23) inches by twenty-seven (27) inches.

(3) The point of beginning shall be indicated and its proper reference to the monumented perimeter survey shall be delineated on the drawing.

(4) All bearings and distances of boundary lines shall be indicated outside the boundary line, not inside with the lot dimensions, and all dimensions necessary to establish the boundaries in the field shall be shown. Also such other survey requirements as may be applicable and cited In CRS (1953, 136-2 as amended). When the plat is bounded by an irregular shore line or body of water, the bearings and distances of a closing intermediate traverse should be given and a notation made that the plat includes all land to the water's edge or otherwise.

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(5) If a plat is revised, a copy of the old plat shall be provided for comparison purposes.

(6) All blocks, and all lots within each block, shall be consecutively numbered.

(7) On curved boundaries and all curves on the plat, sufficient data should be given to enable the re-establishment of the curves. This curve should include the following;

- (A) Points of curvature
- (b) Points of tangency
- (c) Tangent distance
- (d) Radius of curve
- (e) arc length
- (f) Angle or curve by arc definition

(8) Excepted parcels shall be marked, "Not included in this plat" and the boundary completely indicated by bearings and distances.

(9) All streets, walkways and alleys shall be designated as such and named; bearings and dimensions must be given.

(10) All easements shall be designated as such and bearings and dimensions given.

(11) All lands within the boundaries of the plat shall be accounted for either by lots, walkways, streets, alleys or excepted parcels.

(12) All dimensions of irregularly shaped lots shall be indicated in each lot.

(13) Bearings shall be given for all lot lines, except that bearings need not be given for the interior lot lines where the bearing are the same as those of exterior lot lines.

(14) Parcels not contiguous shall not be included in one plat, nor shall more than one plat be made on the same sheet. Contiguous parcels owned by different parties may be embraced in one plat, provided that all owners join in the dedication and acknowledgement.

(15) Other informations on the plat shall include;

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- (a) Name of subdivision, true north line, and date.
 - (b) Name of owner or owners of the record and address.
 - (c) Total acreage of tract and total number of lots.
 - (d) Township, Range, Section and Quarter section, block and lot numbers.
 - (e) Graphic scale.

(16) Permanent reference monuments shall be located and set in compliance with CRS 136-2-1, as amended except that there shall be at least one permanent monument located no more than twelve (12) hundred feet apart along any straight boundary line.

There shall be also one reference monument located at each street intersection. Monuments shall be of the same type as mentioned above and shall be set at a depth below the finished grade of the street to afford protection of the monument during normal grading operations.

(17) The surveyor making a plat shall certify on the plat that it is correct and that the monuments described in it have been placed as described. He shall affix his name and seal.

(18) All utilities, and easements shall be shown on the final plat along with a suitable certificate from utility companies showing their approval.

Supporting Documents

The following documents shall be submitted with the Final Plat drawing and be considered a part of the Final Plat submission;

Drawings showing layout of the following:

- (1) Profile and typical cross section drawings of roads and bridges;
- (2) Grading and drainage plan. Such contours shall be at twenty (20) foot intervals. The Board of County Commissioners may in special cases require contours of two (2) or five (5) foot intervals to be determined when the Sketch Plan is submitted.

These drawings shall be prepared by a registered land surveyor, as required by the laws of the State of Colorado, who is licensed to do such work in the State of Colorado.

B

The subdivider shall furnish the Board of County Commissioners a certificate from a Title Insurance Company or an Attorney's Opinion showing that names of owners of the property covered are listed as well as a list of all mortgages, judgments, liens, easements, and agreements of record in the County, which shall effect the property covered by such plats. All parties with interests of record may be required to join in and approve the application for subdivision before the plat shall be acted upon by the Board of County Commissioners.

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A Key Map showing match-lines when two or more sheets are necessary to include the subdivision in the plat. The Key Map sheet shall be of the same size and material as the Final plat.

D

Where a portion of an existing easement is contiguous to a proposed easement of right-of-way of a new subdivision, proof of the dedication of the existing easement or right-of-way acceptable to the Board of County Commissioners must be submitted when requested.

E

Where the subdivider is to dedicate land for roads, parks, or other public purposes, a certificate of dedication must be approved by the Board of County Commissioners (APPENDIX D).

F

Subdivision Improvement Agreement (see SECTION 9 and APPENDIX C).

G

When a new street will intersect with a state highway, a copy of the state highway permit shall be submitted.

H

Summary Statement of Proposal

- (1) Total development area.
- (2) Total number of proposed dwelling units.
- (3) Total number of square feet non-residential floor space.
- (4) Total number of off street parking spaces, excluding those associated with single family residential development.
- (5) Estimated total number of gallons per day of water system requirements where a distribution system is proposed.
- (6) Estimated total number of gallons per day of sewage to be treated where a central sewage treatment facility is proposed, or general disposal means or suitability where no sewage treatment facility is proposed.

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Reviewed and approved (or approved conditionally as noted) by the Montezuma County Board of County Commissioners.

Date _____ Chairman
 _____ Commissioner
 _____ Commissioner

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(16)

- (1) One copy to the County Planning Commission file
- (2) One copy to the Board of County Commissioners files.
- (3) One copy to the Subdivider.
- (4) One copy to the Engineer or Surveyor of the subdivision.
- (5) One copy to the Regional Planning Commission.
- (6) One copy to Colorado Land Use Commission as may be required together with supporting materials submitted pursuant to Section 4-2, H.

C

Recording Final Plat

- (1) The subdivider or his agent shall record the Final Plat with the County Recorder of deeds within twenty (20) working days of the approval of the Final Plat by the Board of County Commissioners.
- (2) The County Recorder of Deeds shall furnish the subdivider with a receipt for the Final Plat upon filing of the Final Plat.

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Resubdivision Procedure

Resubdivision of land or changes to a recorded plat shall be considered a subdivision and it shall comply with these regulations with the following exceptions;

- (1) Lot lines may be revised from those shown on the recorded plat provided that in making such changes;
 - (a) No lot or parcel of land shall be created or sold that is less than the minimum requirements for area of dimension as established by these regulations or other applicable regulations or ordinances.
 - (b) Drainage easements or right-of-ways reserved drainage shall not be changed.
 - (c) Street locations and street rights-of-ways shall not be changed and;
 - (d) The plat shall not be altered in any way which will adversely affect the character of the plat filed.
- (2) If it is discovered that there is an engineering or survey error in a recorded final plat, the subdivider shall be required to file a corrected final plat, which shall be approved by the Planning Commission and the Board of County Commissioners. If, however, the correction of the error results in such major alterations that the corrected plat no longer meets the design standards and criteria of these

regulations, then the corrected plat shall require full approval procedures.

B A copy of all Final Plat revisions shall be submitted to the Board of County Commissioners for their review.

C Where the resubdivision complies with the appropriate requirements of these regulations, a Record Plat indicating the resubdivision shall be submitted to the Board of County Commissioners for their endorsement, prior to the filing of such plat with the County Recorder of Deeds. Such plats shall specifically indicate the revisions being made compared to the previously recorded plat.

SECTION 6 CONFORMANCE WITH EXISTING LAWS

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Land shall be subdivided in conformance with The Master Plan, zoning ordinance, and other ordinances and regulations in effect in the County. In the absence of such Plans and/or ordinances these regulations are not to be construed as a substitute for such Plans and/or ordinances; however unzoned and unregulated areas may be subdivided and plats filed so long as they conform to these regulations. In such cases the Board of County Commissioners shall consider the following criteria. These criteria shall also apply to subdividers within a PUD zoned area of a county with Zoning Ordinance.

Planned Unit Developments

Planned Unit Developments shall meet the following criteria:

(1) The design shall meet all the design criteria for road design, drainage, sewage, and water as set forth elsewhere in these regulations.

(2) The PUD design shall specify that the common area shall be a part of the overall area covered by the Parking Plan.

)a) That each parcel within the area shall be deeded as a unit granting to the parcel owner a proportionate undivided interest in the common area in perpetuity with a deed restriction against future residential, commercial or industrial development.

(b) There shall be a plan, which shall also be a deed restriction by covenant or otherwise, in perpetuity, binding the unit owners to a method of maintenance of the common area.

SECTION 7 DESIGN STANDARDS

All subdivisions approved by the County must comply with the following standards.

General Standards

- A The design and development of subdivisions shall preserve, insofar as it is possible, the natural terrain, natural drainage, existing top soil, and trees.
- B Land subject to hazardous conditions such as flooding, open quarries, earth slides, rock falls, or other geologic conditions causing a hazard, and polluted or non-potable water supply shall not be subdivided until the hazard have been eliminated or will be eliminated by the subdivision and construction plans.

C

Lots

- (1) Lot dimensions and sizes shall exclude street right-of-way.

The following lot area shall apply:

- (a) Lots under 3 acres shall be served by a central water and sewer system except that an approved cistern may be used for an onsite water system. Maximum lot length shall not exceed 2.5 times the width. The Board of County Commissioners should consider for variance to this section, recommendations from the County Health Department, special soil and density situations and special equipment to be used.
- (b) No lot shall be less than 9,000 square feet in area.
- (2) Each lot shall abutt a public dedicated roadway or street.
- (3) Lots with double frontage shall be avoided, except where essential to provide separation from a major arterials or incompatible land uses.
- (4) Side lot lines shall be substantially at right angles or radial to street lines.
- (5) In the case of wedge-shaped lots, no lot shall be less than fifty (50) feet in width at the front property lines.

Streets

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Street Requirements

- (1) Street Plans. The street or roadway layout shall conform to the street and road plan of Montezuma County. Street shall be aligned to join with planned or existing streets as nearly as practical.
- (2) Street shall be designed to bear a logical relationship to the topography.

(3) Whenever streets are not aligned, off-sets shall be at least one hundred fifty (150) feet, centerline to centerline.

(4) Through Traffic. Local streets shall be laid out to discourage through traffic.

(5) Intersections. Intersections of local streets with major streets shall be kept to the minimum.

(6) Intersections shall be as nearly at right angles as possible with no intersections designed at an angle of less than 60 degrees.

(7) Cul de sac streets shall be permitted, provided they are not more than six hundred sixty (660) feet in length and have turnaround diameter of at least one-hundred (100) feet. The drainage should be toward the intersecting street or a drainage easement shall be required.

(8) Dead-end streets with exceptions of cul de sacs, shall be prohibited unless they are designed to connect with future streets in adjacent land, in which case a temporary turnaround easement may be permitted if written agreement is obtained from the adjoining landowner.

(9) Right-of-Way Width. Streets shall have the following minimum right-of-way widths:

(a) Major highway - a minimum of one hundred (100) feet, or as required by state and federal standards.

(b) Collector street - sixty (60) feet.

(c) Local street and service road - Sixty (60) feet.

(10) Roadway Width. Streets shall have the following widths:

(a) Major highway - a minimum of sixty-four (64) feet, or as required by state and federal standards.

(b) Collector Street - forty-four (44) feet.

(c) Local street or service road - thirty-four (34) feet.

(11) Street right-of-way width and street width and standards of construction shall conform to the standards in effect for the adjacent municipality when the subdivision lies within two miles of said municipality.

(12) Half Street. Half streets shall not be permitted, except when required to complete a half street already in existence.

- B Street Names. Streets shall have the names of existing streets which are in alignment in the county or in an adjoining county or municipality. There shall be no duplication of street names within the area.
- C Frontage of Major Highways. Where a residential subdivision abutts a major highway, service roads may be required.
- D Roadbed Construction Standards for Roadways.
- (1) All streets dedicated for public use shall meet the standards and quality of construction required by the County Road Department.
- 7-3 Sidewalks. All sidewalk shall be a minimum of 4' width and 4" thickness on an approved base.
- 7-4 Block Standards. Block lengths shall be reasonable in length, not less than three hundred (300) feet or more than one thousand (1000) feet, and the total design provide for convenient access and circulation for emergency vehicles.
- 7-5 Easement Standards
- A Easements shall follow rear and side lot lines where ever practical and shall have a minimum total width of twenty (20) feet apportioned equally in abutting properties. They shall be designed so as to provide efficient installation of utilities. Special guying easements at corners may be required. Public utility installations shall be so located as to permit multiple installation within the easements.
- 7-6 Alleys
- A Service access to the interior of blocks may be permitted in certain instances, in which case such alleys must be indicated in the plan and plat.
- 7-7 Driveways
- A Driveways shall not be permitted to have direct access to major highways.
- 7-8 General Requirements. In all new subdivision all lots or parcels which are not to be connected to a public or community sanitary sewage system shall be provided with an on-lot sewage disposal system prior to the occupancy of, or use of buildings constructed thereon. In order to determine the adequacy of the soil involved to properly absorb subsurface sewage effluent and to determine by minimum lot area required for such installation, soil percolation tests shall be performed. The results of these

tests will be reviewed by the Board of County Commissioners and by the county or district department of Health to determine the general suitability of the soil for on-lot disposal systems. The following general standards shall be met:

- (1) Percolation tests must be supervised and certified by a registered professional engineer or by a qualified sanitarian.
- (2) Other applicable standards adopted by the Board of County Commissioners or county or district health department.

B

Sanitary Sewer Mains, Laterals and House Connections

Where local, county, and regional master plans indicate that construction or extension of sanitary sewers may serve the subdivision area within a reasonable time, the County may require the installation and capping of sanitary sewer mains and house connections in addition to the installation of temporary individual on-lot sanitary disposal systems.

Responsibility for the design and supervision of installation of capped sewers, laterals, and house connections shall be that of the county. Whenever individual on-lot sanitary sewage disposal systems are proposed the subdivider shall either install such facilities, or require by deed restrictions or otherwise as a condition of the sale of each lot or parcel within such subdivision that the on-lot sanitary sewage disposal facilities be installed by the purchaser of said lot at the time that the principal building is constructed. In all other cases sanitary sewage disposal facilities shall be provided for every lot or parcel by a complete community or public sanitary system.

Test Procedures

Test procedures shall be conducted in accordance with U. S. Public Health Service Publication Number 526, 1963 Edition, and its amendments and other county requirements.

Water Supply

(a) An adequate supply of potable water shall be available to each lot for the proposed subdivision. Design and installation of all systems shall be the responsibility of the subdivider with all plans subject to approval of the Board of County Commissioners through their designated representatives and the State of Colorado Department of Public Health. All water system improvements, with the exception of individual wells or cisterns proposed on each lot, shall be the responsibility of the subdivider.

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(b) Where a community water system is to be utilized as a source of water, a description of the entity, legally organized and licensed to administer the system shall be provided.

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Complete drainage systems for the entire subdivision area shall be designed by a professional engineer, licensed in the State of Colorado and qualified to perform such work and shall be shown graphically. All existing drainage features, which are to be incorporated in the design shall be so identified. If the Final Plat is to be presented in sections, a general drainage plan for the entire area shall be presented with the first section and appropriate development states for the drainage system for each section shall be indicated.

A Drainage System shall be designed:

- (1) To permit the unimpeded flow of natural water courses.
- (2) To ensure adequate drainage of all low points.

The drainage system shall be designed to consider the drainage basin as a whole and shall accommodate not only run-off from the subdivision area but also where applicable, the system shall be designed to accommodate the runoff from those areas adjacent to and "upstream" from the subdivision itself.

All proposed surface drainage structures shall be indicated.

All appropriate designs, details, and dimensions necessary to clearly explain proposed construction materials and elevations shall be included in the drainage plans.

Subdividing of Planning all of Parcel

Where an entire parcel is not subdivided, the subdivider must indicate his intended plans for disposition of the remainder of the parcel.

Public Sites and Open Spaces

The Board of County Commissioners, upon consideration of county circulation and facilities and the particular type of development proposed in the subdivision shall require the dedication of areas of sites of a character, extent and location suitable for public use for school, park, greenbelts, or other necessary public purposes (other than subdivision streets) according to one of the following alternatives:

(1) Five percent (5%) or such other amounts as determined by the Board of County Commissioners of the total area of the subdivision shall be dedicated to a public agency or the subdivision landowners and future land owners for one or more essential public purposes. Any area so dedicated will be maintained by the County, or as dedicated, the landowners.

(2) Five percent (5%) or such other amounts as determined by the Board of County Commissioners of the total area of the subdivision shall be reserved through deed restrictions as open area, the maintenance of which shall be ensured by specific obligations in the deed of each lot within the subdivision.

(3) As a alternative to the dedication or reservation of land the subdivider may be required to contribute to the county a sum equal to a percent of the market value of the total area being subdivided prior to subdivision or to the construction of improvements related to the subdivision. Such funds collected shall be placed in a Trust Fund for acquisition of land or facilities for public use such as park lands, open-space lands, school lands, greenbelt lands, or such other environmental purposes deemed necessary for the subdivision and nearby subdivision. Such Trust Funds to be administered by the Montezuma County Board of Commissioners.

SECTION 8 MOUNTAIN SUBDIVISIONS

In those sections of the county where significant undulating terrain is encountered, the Board of County Commissioners may classify the subdivision as a Mountain Subdivision. Such determination shall be made at a "Pre-Platting" Conference.

8-1 Roads

- A Local mountain roads shall have a sixty (60) foot minimum deeded right-of-way and a minimum usable road surface of twenty-four (24) feet. Collector streets in mountain subdivision shall have a minimum right-of-way of sixty (60) feet and a usable road surface of a least thirty-four (34) feet. All cut areas to be back sloped at no less than 2 to 1 slope, and all roads shall be ditched to minimum width of five (5) feet.
- B Proper ditches for drainage and necessary culverts as approved by the county engineer or a professional engineer employed or contracted by the county.
- C Grades shall not exceed eight percent (8%) except as Road Department may be otherwise directed by the county. The maximum permissable grade shall be ten percent (10%).

D

To provide for the safety and general well-being of the residents of the subdivision and the public in general where the danger of flooding, fire, slides and other emergency conditions may exist, the Board of County Commissioners may require two or more routes of ingress and egress.

8-2

Review Procedures

Recommendations from the following agencies shall be considered by the Board of County Commissioners in any decision to allow residential development and/or subdivisions where substantial portion of the topography is thirty (30) percent or greater.

- (a) The County Health Department
- (b) The County Engineering Department
- (c) The Colorado Water Pollution Control Commission
- (d) The Colorado State and U. S. Forest Service
- (e) A qualified Engineering Geologist registered as a professional engineer in the State of Colorado.

In the absence of planning and zoning, the above recommendations shall specifically include recommended dwelling unit densities appropriate to the capabilities of the area and the proposed water and sewer systems.

The determination of such thirty (30) percent slopes on any mountain subdivision shall be by reference to United States Geological survey 7.5 minute topographical quadrangle maps as a criteria or a similar topographical survey furnished by a registered land surveyor.

SECTION 9

UTILITIES AND IMPROVEMENT

9-1

General Requirements

The following improvements shall be constructed at the expense of the subdivider as stipulated in the Subdivision Improvement Agreement (APPENDIX C) in a manner approved by the Board of County Commissioners which is consistent with sound construction and local practice. Where specific requirements are spelled out in other sections of these regulations, they shall apply;

- (1) Road, grading and surfacing
- (2) Curbs, if required
- (3) Sidewalks, if required
- (4) Sanitary sewer laterals where required

- (5) Storm sewers or storm drainage system, as required.
- (6) Water distribution system, where applicable
- (7) A permanent type street sign approved by the Board of County Commissioners shall be installed at all street intersections.
- (8) Permanent reference monuments
- (9) The subdivider shall make necessary arrangements, including any construction or installation charges to extend proposed utilities to be available to the subdivision such as electricity telephone, gas or water service to each lot of the subdivision. Proper evidence of such satisfactory arrangements shall be supplied as a part of the plat filing.

SECTION 10

IMPROVEMENTS AGREEMENT

10-1

Guarentee of Public Improvements

No final plat shall be recorded until the subdivider has submitted and the board of county commissioners has approved, one or a combination of, the following:

A subdivision improvements agreement agreeing to construct any required public improvements shown in the final plat documents together with collateral which is sufficient, in the judgment of said board, to make reasonable provision for the completion of said improvements in accordance with design and time specifications, or;

Other agreements or contracts setting forth the plan, method, and parties responsible for the construction of any required public improvements shown in the final plat documents which, in the judgement of said board, will make reasonable provision for completion of said improvements in accordance with design and time specifications. The Board of County Commissioners may submit the estimated amount of the Subdivision Improvement Agreement to qualified engineers or contractors for verification of the estimate amounts.

10-2

Approval of Guarantee

A bond, credit deposit letter, certified check or other suitable collateral in an amount stipulated in the Subdivision Improvement Agreement and in a form determined by the county to guarantee the performance of the above agreement or contract and to secure the completion of the above improvements in accordance with the design specifications and within the time specified shall accompany the Final Plat submission. Except where roads, utilities or other improvements shall be constructed by an Improvement District or land owners association, in which event,

evidence of the formation of the district or association to provide such improvements in accordance with the improvement Agreement shall be submitted. Where the improvements have not been constructed in accordance with the requirements and specification, the county shall withdraw adequate funds from the bond of collateral deposit needed to rectify the situation.

10-4

As improvements are completed, the subdivider may apply to the board of county commissioners for a release of part or all of the collateral deposited with said board. Upon inspection and approval, the board shall release said collateral. If the board determines that any of such improvements are not constructed in substantial compliance with specifications, it shall furnish the subdivider a list of specific deficiencies and shall be entitled to withhold collateral sufficient to ensure such substantial compliance. If the board of county commissioners determines that the subdivider will not construct any of all of the improvements in accordance with all of the specifications, the board of county commissioners may withdraw and employ from the deposit of collateral such funds as may be necessary to construct the improvement or improvements in accordance with the specifications. A twenty-five (\$25.00) dollar fee shall be paid to the County for each release inspection.

SECTION 11

VARIANCES

(1) UNUSUAL CONDITIONS. The Board of County Commissioners may authorize variances from these regulations in cases where, due to exceptional topographical conditions or other unusual conditions peculiar to the site, and unnecessary hardship placed on the subdivider. Such variance shall not be granted if it would be detrimental to the public good or impair the intent and purposes of this resolution. The conditions of any variance authorized shall be stated in writing in the minutes of the Board of County Commissioners, with the justifications set forth.

(2) PLANNED UNIT DEVELOPMENT (PUD). These regulations may be modified by the Board of County Commissioners in the case of a plan for an entire neighborhood, community or town with a development and building program that, in the judgement of the Board of County Commissioners, provides adequate open spaces, traffic circulation and service needs of the tract when fully developed and populated. Variances may be granted subject to the approval of the site plat. Covenants, restrictions financial guarantees and other legal assurances to guarantee that the plan will be followed and developed shall accompany the plat.

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SECTION 12 VIOLATIONS AND PENALTIES

Whoever, being the owner, or agent of the owner, of any land located within a subdivision transfers or sells or negotiates to sell any land by reference to or exhibition of or by use of a plan or plat or a subdivision before such plan or plat has been approved by an such planning commission and record or filed in the office of the County Recorder, shall forfeit and pay a penalty of five hundred dollars (\$500.00) each lot or parcel so transferred or sold or agreed or negotiated to be sold. Each day of violation shall constitute a separate offense. The description of such lot or parcel by metes or bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies provided in this section. The county may enjoin such transfer or sale or agreement by action for injunction brought in any court of equity jurisdiction and may recover the said penalty by civil action in any court of competent jurisdiction. (C.R.S. 106-2-9 (4)).

SECTION 13 VALIDITY

If any section, subsection, paragraph, clause, phrase, or provision of these regulations shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of these regulations as a whole or any part of provision hereof, other than the part so adjudged to be invalid or unconstitutional.

SECTION 14 SCHEDULE OF FEES

To defray a portion of the expense of subdivision review, the following schedule of fees for review and supervision shall apply.

\$50.00 for the first 20 acres and \$50.00 for each additional 20 acres platted, up to a maximum filing fee of two-hundred fifty (\$250.00) dollars.

SECTION 15 DEFINITIONS

1. Comprehensive Plan. A comprehensive plan for the future growth, protection, and development of the unincorporated area, affording adequate facilities for housing, transportation, comfort, convenience, public health, safety, and general welfare of its population.
2. CROSSWALK OR WALKWAY. A right-of-way dedicated to public use, to facilitate pedestrian access through a subdivision block.
3. DWELLING UNIT. Any structure or part thereof, designed to be occupied as the living quarters of a single family or housekeeping unit.

4. EASEMENT. A right to land generally established in a real estate deed to permit the use of land by the public, a corporation, or particular persons for specified uses.

5. SUBDIVISION IMPROVEMENTS AGREEMENT. One or more security arrangements which may be accepted by a county to secure the construction of such public improvements as are required by county subdivision regulations within the subdivision and shall include collateral, such as, but not limited to, performance or property bonds, private or public escrow agreements, loan commitments, assignments of receivables, liens on property, deposit of certified funds, or other similar surety agreements.

6. LATERAL SEWER. A sewer which discharges into another sewer and has only building sewers tributary to it.

7. LOT. The unit into which land is divided on a subdivision plat or deed, with the intention of offering such unit for sale, lease or separate use, either as an underdeveloped or developed site, regardless of how it is conveyed. Lot shall also mean parcel, plot, site or any similar term.

8. MULTI-FAMILY UNIT. A building providing separate dwelling units for two or more families.

9. MUNICIPALITY. Includes an incorporated city or town.

10. OFFICIAL MAP. The official map as adopted by a county or municipality.

11. OFF-STREET PARKING SPACE. The space required to park one passenger vehicle which space shall not be less than 200 sq. ft. in area, exclusive of access drives.

12. PERMANENT MONUMENTS. Any structure of masonry or steel permanently placed on in the ground, including those expressly placed for surveying reference.

13. SKETCH PLAN. A map of a proposed subdivision, drawn and submitted in accordance with requirements of adopted regulations, to evaluate feasibility and design characteristics at an early stage in planning.

14. PLAN PRELIMINARY. The preliminary map or maps of a proposed subdivision and specified supporting materials, drawn and submitted in accordance with the requirements of these adopted regulations, to permit the evaluation of the proposal prior to detailed engineering and design.

15. PLAT. A "Plat" as used in these regulations shall be a map and supporting materials of certain described land prepared in accordance with these regulations as an instrument for recording of real estate interests with the County Clerk and Recorder of Deeds.

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16. REVERSE FRONTAGE LOTS. Lots which front on one public street back on another.

17. ROADWAY. That portion of the street right-of-way designed for vehicular traffic.

18. STREET. Any street, avenue, boulevard, road, land, parkway, viaduct, alley, or other way for the movement of vehicular traffic, which is an existing state, county, or municipal roadway, or a street or way shown upon a plat, heretofore approved, pursuant to law of approved by official action; and includes the land between street lines, whether improved or unimproved, and may comprise payment, shoulders, gutters, sidewalks, parking areas and other areas within the right-of-way. For the purpose of this ordinance streets shall be classified as defined in subsection (a) through (i):

(a) MAJOR HIGHWAY. A major regional highway including and expressway, freeway or interstate highway designed to carry vehicular traffic.

(1) into, out of, or through the regional area (intra-regional)

(2) From one political subdivision of the region to another or from an intra-regional highway (intra-regional)

(b) MAJOR STREET. A street or road designed to carry vehicular traffic from one part of a political subdivision to another part of that same political subdivision.

(c) COLLECTOR STREET. A street or road designed to carry vehicular traffic from one or more residential or non-residential areas to or from a Major Street Highway.

(d) LOCAL STREET. A street or road designed to carry vehicular traffic from one or more individual residential or non-residential units to or from a Collector Street.

(e) ALLEY. A minor way which is used primarily for vehicular services to the rear or side of properties otherwise abutting on a street.

(f) CUL-DE-SAC. A short dead-end street terminating in a vehicular turn around area.

(g) HALF STREET. A street paralleled and contiguous to a property line and of lesser right-of-way width than is required from minor or major street.

(h) SERVICE ROAD. A street or road paralleling and abutting major streets to provide access to

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adjacent property so that each adjacent lot will not have direct access to the major street.

(i) STUB STREET. A street or road extending from within a subdivision boundary and terminating there with no permanent vehicular turn around. Stub streets are provided to permit adjacent undeveloped parcels of land to be developed later with an adjacent connecting street system.

19. STREET RIGHT-OF-WAY. The portion of land dedicated to public use for street or utility purposes.

20. EVIDENCE. Any map, table, chart, contract, or any other document or testimony prepared or certified by a qualified person to attest to a specific claim or condition which evidence must be relevant and competent and must support the position maintained by the subdivider.

21. DISPOSITION. A contract of sale resulting in the transfer of equitable title to an interest in subdivided land; an option to purchase an interest in subdivided land; a lease or an assignment of an interest in subdivided land; or any conveyance of an interest in subdivided land which is not made pursuant to one of these foregoing.

22. RULES OF CONSTRUCTION OF LANGUAGE

(1) The particular controls the general

(2) In case of any difference of meaning or implication between the text of this Resolution and the captions for each Section, the text shall control

(3) The word "shall" is always mandatory and not directory the word "May" is permissive.

(4) Words used in the present tense include the future, unless the context clearly indicated the contrary.

(5) Words used in the singular number include the plural, and words used in the plural number include the singular, unless the context clearly indicates the contrary.

SECTION 16 OTHER ADMINISTRATIVE PROVISIONS

INTERPRETATION

In the interpretation and application of the provisions of this Resolution, the following regulations shall govern.

(1) Provisions are Minimum Requirements: In their interpretation and application, the provisions of the Resolution shall be regarded as the minimum requirements for the protection of the public health, safety, comfort, morals, convenience, prosperity and welfare. This Resolution shall therefore be regarded as remedial, and shall be liberally construed to further its underlying purposes.

(2) Application or Overlapping Regulations: Whenever both a provision of this Resolution, or any provision in any other law, ordinance, resolution, rule or regulation of any kind, contain any restrictions covering any of the same subject matter, whichever restrictions are more restrictive or impose higher standards or requirements shall govern.

(3) Existing Permits and Private Agreements: This Resolution is not intended to abrogate or annual;

(a) Any permits issued before the effective date of this resolution; or

(b) Any easement, covenant or any other private agreement.

(4) Each month the Board of County Commissioners or their appointed representative shall transmit to the Colorado Land Use Commission copies of the notice of filing and a summary of information of each subdivision preliminary plan and plat submitted to them together with a report of each exemption granted by the Board of County Commissioners pursuant to subsection (3) (d) of Section 106-2-22, on such form as may be prescribed by the Colorado Land Use Commission.

AMENDMENT

The Board of County Commissioners on the recommendation of the County Planning Commission may amend the requirements of these regulations after giving public notice of any such proposed amendments and after holding a public hearing thereon, provided that should any state law be enacted affecting the area regulated herein, such amendment or change shall be deemed incorporated herein.

SEPARABILITY

It is hereby declared to be the legislative intent that the several provisions of this Resolution shall be separable in accordance with the provisions set forth below;

(1) If any Provision is Declared invalid: If any provision of this Resolution is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the legislative intent that;

(a) The effect of such decision shall be limited to that provision or provisions which are expressly stated in the decision to be invalid; and

(b) Such decision shall not affect, impair or nullify this resolution as a whole or any other part thereof, but the rest of this Resolution shall continue in full force and effect.

(2) If the application of any provision of this Resolution to any tract of land is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the legislative intent that;

(a) The effect of such decision shall be limited to that tract of land immediately involved in the controversy, action or proceeding in which the judgement or decree of invalidity was rendered; and

(b) Such decision shall not affect, impair or nullify this Resolution as a whole or the application of any provision thereof, to any other tract of land.

REPEALS, EFFECTIVE DATE

All resolutions of Montezuma County Commission inconsistent herewith to the extent of such inconsistency, and no further, are hereby repealed.

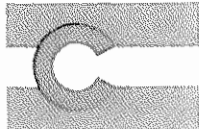
STATE DEPARTMENT OF HIGHWAYS

CHAS. E. SHUMATE

EXECUTIVE DIRECTOR

DIVISION OF HIGHWAYS
LAURENCE C. BOWER
CHIEF ENGINEER

STATE OF COLORADO



COLORADO STATE PATROL
COL. C. WAYNE KEITH
CHIEF

4201 EAST ARKANSAS AVENUE • DENVER, COLORADO 80222 • (303) 757-9011

August 22, 1972

Board of County Commissioners
Montezuma County
Cortez, Colorado 81321

Gentlemen:

Enclosed is a copy of Resolution No. 425-D approved by the State Highway Commission on August 2, 1972, regarding the State Highway routing in Montezuma County. A portion of the Montezuma County map colored to indicate the addition and deletion on State Highway 145 is also enclosed for your information and file.

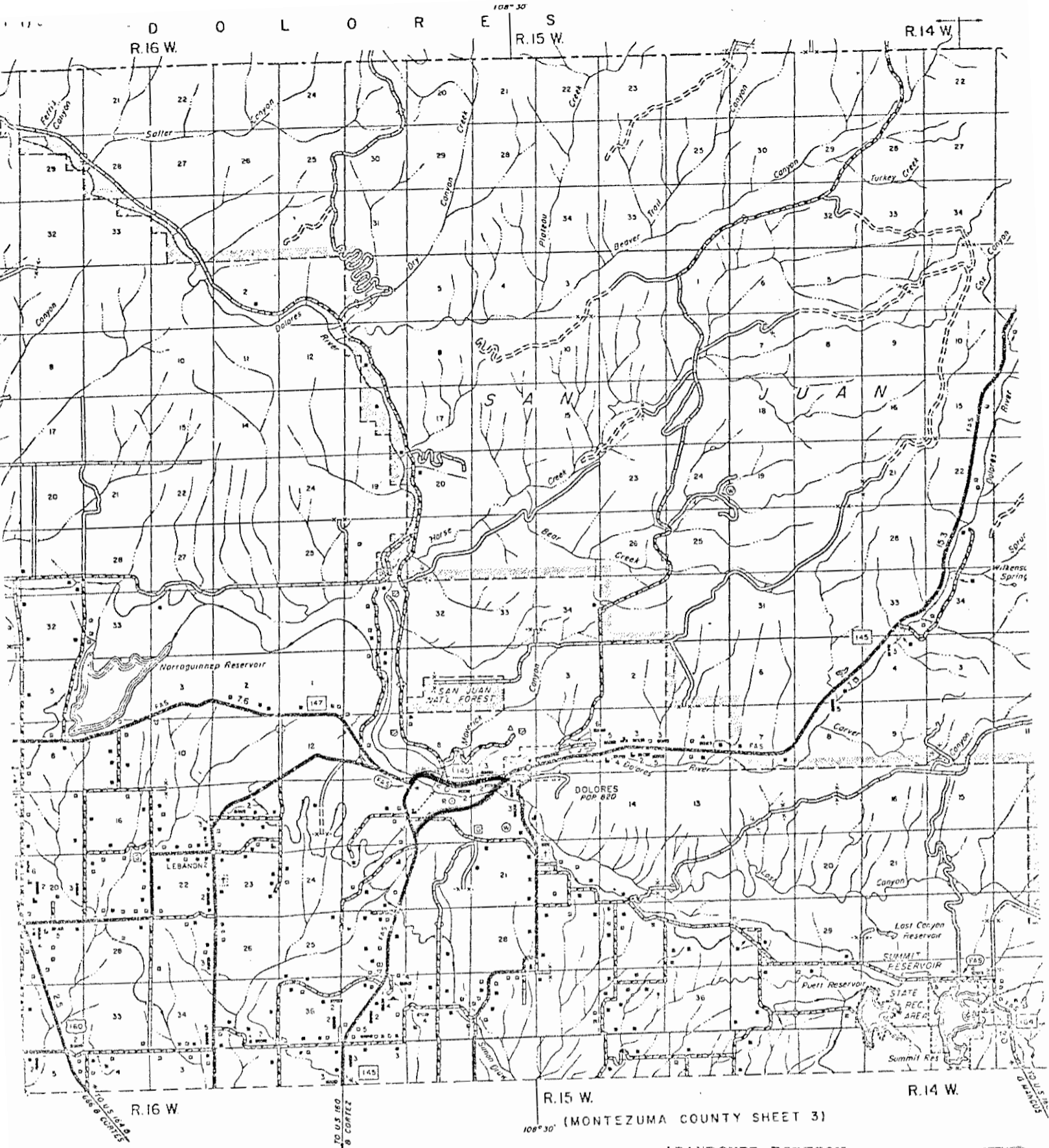
The 1963 Colorado Statutes Annotated, Chapter 202, Section 6, states that the right-of-way of all abandoned portions of a State Highway shall revert to the adjacent property owners unless the abandoned portion is necessary for use as a public highway. If it is desired by your Board that the abandoned portion should remain a public highway, your Board should adopt a resolution to add it to your County Road System within ninety days of abandonment. Please forward a copy of your resolution to this office.

Yours very truly,

L. C. BOWER
Chief Engineer

By T. C. Reseigh
T. C. Reseigh
Planning and Research Engineer

TCR:JRM:vt
Enclosures
cc: W. L. Croonenberghs
File
R. F.



PLEASANT VIEW

Sec 31, T 36 N, R 17 W
SCALE OF MILES
0 1 2 3

YELLOW JACKET

Sec 21, T 36 N, R 17 W
SCALE OF MILES
0 1 2 3 4

Resolution No. 425-D
Approved August 2, 1972

BE IT HEREBY RESOLVED, that State Highway 145 in Montezuma County be relocated to follow the alignment of Project Nos. RS 0145(4) and S 0145(5), and

BE IT FURTHER RESOLVED, that the portion of State Highway 145, from its junction with State Highway 147 easterly into the city limits of Dolores (approximately 2.0 miles), is hereby abandoned as a part of the State Highway System, effective August 2, 1972.

THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF MONTEZUMA
STATE OF COLORADO

at a regular meeting of the Board of County Commissioners of Montezuma County, Colorado duly convened and held the 28th day of August, 1972, with the following persons in attendance:

Commissioners: Curtis Honaker, F. E. Reddert,

and Stanley Talcott.

Commissioners absent: none,

County Clerk and Recorder: C. K. Herndon,

County attorney: George Buck,

the following proceedings, among others, were taken:

WHEREAS, Montezuma County has entered into a cooperation agreement with the Colorado Department of Highways dated August 16, 1971 for the construction of a new portion of State Highway #145, and,

WHEREAS, said agreement calls for the abandonment of all portions of the existing highway which may result from any relocation, and

WHEREAS, the Department of Highways has adopted resolution #4250 abandoning that portion of State Highway #145, from its junction with State Highway #147 easterly into the city limits of Dolores (approximately 2.0 miles) effective August 2, 1972.

NOW THEREFORE BE IT RESOLVED that the above section of highway remain as a public highway and that the same be incorporated into the Montezuma County road system.

Commissioners voting aye in favor of the Resolution were: Honaker
Reddert, and Talcott.

Commissioners voting Nay: none.

County Clerk and Recorder of
Montezuma County, Colorado.

I certify that the above and foregoing Resolution is a true and correct copy of same as it appears in the minutes of the Board of County Commissioners of Montezuma County Colorado, and the votes upon same are true and correct.

Dated this 28th day of August, 1972.

(SEAL)

County Clerk and Recorder of
Montezuma County, Colorado.

THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF MONTEZUMA
STATE OF COLORADO

at a regular meeting of the Board of County Commissioners of Montezuma County, Colorado duly convened and held the 21st day of August, 1972, with the following persons in attendance:

Commissioners: Curtis Honaker, F. E. Reddert,
and Stanley E Talcott.

Commissioners absent: ,

County Clerk and Recorder: C. K. Herndon,

County Attorney: Robert E Parga,

the following proceedings, among others, were taken:

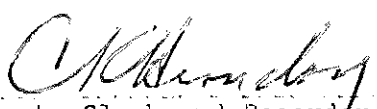
WHEREAS, the Board of County Commissioners by resolution did determine the precinct boundaries as required by law and did refer in said resolution to the Bureau of Census map and,

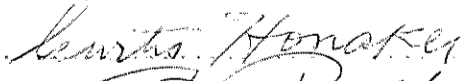

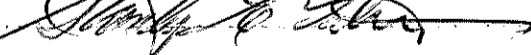
WHEREAS, such map as referred to and copy attached to such resolution was not the true copy as appears in the Bureau of Census and the Commissioners desire to correct any error which may be caused by the incorrect map,

NOW THEREFORE BE IT RESOLVED, that the map attached hereto is the true and correct map and the precinct boundaries are hereby reaffirmed to be in accordance with and to conform to the attached map.

Commissioners voting aye in favor of the Resolution were: Honaker
Reddert, and Talcott.

Commissioners voting Nay: ,

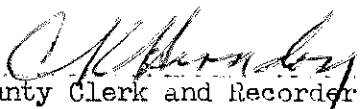

County Clerk and Recorder of
Montezuma County, Colorado.

I certify that the above and foregoing Resolution is a true and correct copy of same as it appears in the minutes of the Board of County Commissioners of Montezuma County Colorado, and the votes upon same are true and correct.

Dated this 21st day of August, 1972.

(SEAL)


County Clerk and Recorder of
Montezuma County, Colorado.

THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF MONTEZUMA
STATE OF COLORADO

At a regular meeting of the Board of County Commissioners of Montezuma County, Colorado, duly convened and held the 8th day of August, 1972, with the following persons in attendance:

Commissioners: ~~XXXXXX XXXXXX~~, Stanley Talcott
and Dr. F. E. Reddert.

Commissioners absent: Curtis Honaker

County Clerk and Recorder: C. K. Herndon

County Attorney: Robert E. Parga

the following proceedings, among others, were taken;

Resolution _____

WHEREAS: Robert Gift is the owner of a tract of land in Section 20, Township 37 North, Range 15 West, N.M.P.M., a part of which is the NW $\frac{1}{4}$ SW $\frac{1}{4}$ thereof, and

WHEREAS: Said person has prior to the adoption of Sub-Division Regulations in Montezuma County, and prior to the passage of Senate Bill 35, has by oral and written agreements agreed to sell said land in parcels being four in number and being in the size of approximately four to eight acres, and

WHEREAS: Thereafter Sub-Division Regulations were adopted in Montezuma County and Senate Bill 35, 1972 Session of the Colorado Legislature was adopted and became the law of the State of Colorado, and

WHEREAS: Said tract in total has been surveyed and a plat of the same has been recorded in the County Clerk's Office of Montezuma County, and

WHEREAS: Said Senate Bill 35 provides exemption from such law in the discretion of the Montezuma County Board of Commissioners, and

WHEREAS: Robert Gift having appeared before the Montezuma County Board of Commissioners on the 10th day of July, 1972, request an exemption from the Sub-Division Regulations of Montezuma County and requirements of Senate Bill No. 35 setting forth the facts hereinabove contained and further setting forth that while he holds legal title to the tract hereinabove described and as shown upon the plats recorded in Montezuma County Records, equitable title has already vested in other persons and said persons have no intention of further division of the land at this time and that it is fully understood that should any further division of land be made, a sub-division must be made and plats filed under the regulations of Montezuma County and the laws of Colorado.

NOW THEREFORE: The Board of Commissioners of Montezuma County finds that the sales hereinabove set forth, a division of the tract of land hereinabove described is not within the purview of the Montezuma County Sub-Division Regulations or the State of Colorado law and it is not the purpose of Robert Gift to further sub-divide or otherwise divide said tract of land. Therefore the Board hereby grants

to Robert Gift an exemption from the Montezuma County Sub-Division Regulations and laws of the State of Colorado for the purposes of completing the sales so made and delivering title to the same in accordance with the plat and survey on record in Montezuma County.

Commissioners voting Aye in favor of the Resolution were:
Talcott, Reddert, and _____.
Commissioners voting Nay: _____

[Signature]
F. E. Reddert
Lewitts Honaki

C. K. Mendenhall
County Clerk and Recorder of
Montezuma County, Colorado

I certify that the above and foregoing Resolution is a true and correct copy of same as it appears in the minutes of the Board of County Commissioners of Montezuma County, Colorado, and the votes upon same are true and correct.

Dated this 8th day of August, 1972.

C. K. Mendenhall
County Clerk and Recorder of
Montezuma County, Colorado

(Seal)

NOTE

The resolution below is only a suggested form. It is entirely acceptable that an endorsement be written in any manner which includes statement of endorsement of the Council as the authorized Health Planning Council for your area and pledges your support and participation in its work.

Mr. Robert Salinger, Chairman
Southwest Colorado Comprehensive
Health Planning Council, Inc.
1905 East Third Avenue
Durango, Colorado 81301

Whereas, the Southwest Colorado Comprehensive Health Planning Council, Inc. is a nonprofit corporation organized to promote and encourage comprehensive health planning and has been officially recognized by the Colorado Health Planning Council, and

Whereas, the purpose of the Council is to supplement and encourage coordination of existing planning efforts and, where advisable, to aid in the development of additional planning, and

Whereas, the Council is interested in becoming a vehicle whereby providers and consumers of health services will be afforded the opportunity to (1) review regional health needs, goals and priorities; (2) review regional resources; and (3) review recommendations from consumers and providers of the region concerning the improvement of service and the manner in which future needs can be met, and

Whereas, the Council intends to be of assistance within Region Nine in providing planning services and is in the process of making application for a federal grant and will ask the participation of as many groups as possible in the planning effort for the greatest utility and economy of health services and facilities in the common good.

Therefore, be it resolved that MONTESUMA COUNTY does recognize the Southwest Colorado Comprehensive Health Planning Council, Inc. as the official area-wide health planning organization and pledges support and participation in the Council's programs and activities.

Dated this 8th day of August 1972
At Costa, Colorado

Vice

NOTE

The resolution below is only a suggested form. It is entirely acceptable that an endorsement be written in any manner which includes statement of endorsement of the Council as the authorized Health Planning Council for your area and pledges your support and participation in its work.

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Dated this 8th day of August 1972
At Costa, Colorado

Vice

THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF MONTEZUMA
STATE OF COLORADO

at a regular meeting of the Board of County Commissioners of Montezuma County, Colorado duly convened and held the 19th day of June, 1972, with the following persons in attendance:

Commissioners: Curtis Honaker, Stanley E. Talcott,
and F. E. Reddert.

Commissioners absent: None,

County Clerk and Recorder: C. K. Herndon,

County attorney: R. E. Parga,

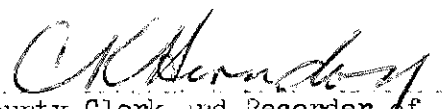
the following proceedings, among others, were taken:

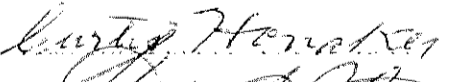


WHEREAS, Senate Bill number 22 concerning reapportionment of the Colorado Senate and House of Representatives requires the Board of County Commissioners to reapprove their plan designating general elections precincts and file with the Secretary of State a copy of the map showing thereon the revised and reestablished general election precincts;

NOW THEREFORE BE IT RESOLVED that the precinct boundaries as previously approved and adopted on March 13, 1972 are hereby confirmed and established in compliance with Senate Bill number 22.

Commissioners voting aye in favor of the Resolution were: Curtis Honaker,
Stanley E. Talcott, and F. E. Reddert.

Commissioners voting Nay:

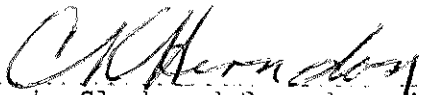

County Clerk and Recorder of
Montezuma County, Colorado.

I certify that the above and foregoing Resolution is a true and correct copy of same as it appears in the minutes of the Board of County Commissioners of Montezuma County Colorado, and the votes upon same are true and correct.

Dated this 19th day of June, 1972

(SEAL)


County Clerk and Recorder of
Montezuma County, Colorado.

3-20-1972

* See Rules of Association
San Juan Basin Regional Planning
Commission
R 72-6 adopted 12/18/72

THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF MONTEZUMA
STATE OF COLORADO

at a regular meeting of the Board of County Commissioners of Montezuma County, Colorado duly convened and held the 20th day of March, 1972, with the following persons in attendance:

Commissioners: Curtis Honaker, F. E. Reddert,

and Stanley E. Talcott.

Commissioners absent:

County Clerk and Recorder: C. K. Herndon,

County attorney: Robert E. Parga,

the following proceedings, among others, were taken:

BE IT RESOLVED by the Board of County Commissioners of Montezuma County, Colorado as follows:

Section 1 That it hereby adopts a plan to cooperate with other political subdivisions in the creation of the San Juan Basin Regional Planning Commission as provided for in Chapter 106, Article 2, Colorado Revised Statutes, 1953 as amended, and further adopts the recommended rules, regulations, plan of organization and operation of the San Juan Basin Regional Planning Commission as set forth in the "Rules of Association" adopted by the official representatives of the several counties, cooperating in the organization of the San Juan Basin Regional Planning Commission dated March 8, 1972, which by reference thereto is hereby expressly made a part of this resolution.

Section 2 The San Juan Basin Regional Planning Commission shall have the function, powers and duties which are prescribed by law.

Section 3 The membership from the County shall consist of one member appointed by the Chairman of the Board of County Commissioners of each County in the area of Archuleta, San Juan, La Plata, Montezuma and Dolores Counties, Colorado.

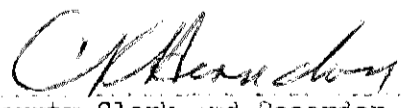
Section 3A Montezuma County herewith appoints Stanley E. Talcott as a member of such Commission to serve until his successor be appointed.

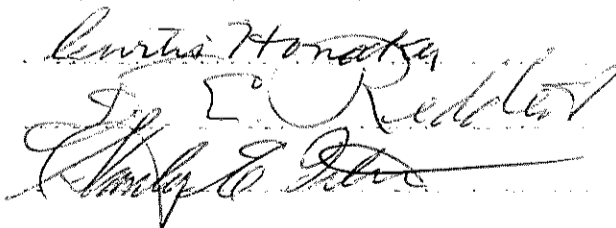
Section 4 This resolution shall become of full force and effect upon the date of adoption, being March 20th, 1972.

Commissioners voting aye in favor of the Resolution were: Curtis Honaker

F. E. Reddert, and Stanley E. Talcott.

Commissioners voting Nay:

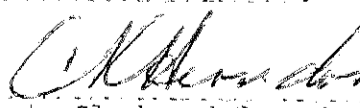

County Clerk and Recorder of
Montezuma County, Colorado.



I certify that the above and foregoing Resolution is a true and correct copy of same as it appears in the minutes of the Board of County Commissioners of Montezuma County Colorado, and the votes upon same are true and correct.

Dated this 20th day of March, 1972.

(SEAL)


County Clerk and Recorder of
Montezuma County, Colorado.

RULES OF ASSOCIATION

SAN JUAN BASIN REGIONAL PLANNING COMMISSION

Section 1. The San Juan Basin Regional Planning Commission herein after referred to as the Commission shall be formed from those governmental bodies desiring to become members consisting of the counties of Archuleta, Dolores, La Plata, Montezuma and San Juan all in Colorado and the municipal governments within these counties. Each governmental unit eligible to become a member of the Commission and desiring to do so shall make known its intent by proper resolution or ordinance and shall name one representative to the Commission and two alternates. Representatives to the Commission shall be properly elected officials. Should for any reason the representatives to the Commission cease to serve his unit of government as an elected official that government shall replace him with an elected official.

The Commission shall meet on the second Wednesday of January and the second Wednesday of July and at such other times as the chairman of the Commission deem necessary. The time and place of Commission meetings to be announced by the Chairman by written notice to both the designated representative and the member governments.

Section 2. There shall be an Administrative Committee of ten members, which shall consist of five designated County Commissioner representatives and five of the designated municipal representatives. There shall be one municipal representative member from each county who shall be selected by the municipal representatives in the respective counties.

It shall be the duty of this committee to implement the policies and directives set down by the Commission as a whole, and to direct such staff as may be required and carry out such other duties as may be directed by the Commission.

The Administrative Committee shall elect from its membership a Commission Chairman, Vice Chairman, Secretary and such officers as it may deem necessary.

Section 3. The Commission shall form an Advisory Committee made up of representatives of various broad interest groups in the area. Structure and membership of the Advisory Committee is to be determined by the Commission and same may be changed as the Commission deem necessary.

Section 4. The Commission shall have the power and perform the duties as authorized and outlined by Colorado Statute.

Section 5. The Administrative Committee shall appoint from time to time such employees and staff as it shall deem advisable.

Section 6. The Commission shall have authority to expend such money as may be received by it in establishing and maintaining a staff. It shall have authority to adopt rules for the transaction of business, and to contract for special surveys, studies or plans with county or municipality within the region, and may request the performance of such other duties as may be reasonably expected or required.

At the regular July meeting of the Commission, the Administrative Committee shall submit to the Commission an estimate of the budget required for the operation of the Commission during the ensuing calendar year. Upon adoption of the budget by the Commission by a two thirds favorable vote, the funds required from members will be apportioned pro-rata according to assessed valuation.

Section 7. Roberts Rules of Order shall be the procedural order of business for all business sessions of the Commission, and a favorable majority vote shall be necessary to adopt all motions and resolutions on Rules of the Association considered by the Commission.

Section 8. The Commission shall have the legal authority to enter into contracts with properly qualified individuals, institutions, organizations, or governmental bodies and specifically be empowered to receive and expend Federal funds and expend other funds for the purposes authorized by law.

Before finally adopting and certifying any plan the Commission shall submit such plan to the Colorado Division of Planning or such other agencies as may be required for advice and recommendation. If such comments have not been received from said agencies within thirty days it shall be presumed the response to be favorable.

Section 9. The Commission shall perform the functions prescribed in the U. S. Bureau of Budget circular A-95 if and when such authority is designated by the Governor of Colorado and in a manner prescribed by competent authority.

The Commission shall seek Area Planning Organization Certification from the U. S. Department of Housing and Urban Development and maintain such certification.

Section 10. Any member may withdraw from membership in the Commission by action of its governing body which shall become effective ninety days after written notice to that effect has been given the Chairman of the Commission and all members. Ninety days after such action and notification the withdrawing member's power and duties in the Commission shall terminate. The money appropriated to and received by the Commission from the withdrawing member shall not be returned to that member.

Failure to pay any assessed budgetary support to the Commission within ninety days of notice of assessment shall be cause for the member so delinquent in assessed support to be dropped from the membership of the Commission. Notifications in writing to all members of the Commission shall be made of such delinquent assessment. If after ten days of such notification the delinquent assessment has not been paid the delinquent membership in the Commission shall be terminated.

Section 11. The Commission shall provide for equal opportunity of employment for all personnel employed by the Commission. The policy of equal opportunity shall be that as outlined in U. S. Department of Housing and Urban Development circular MPD 6415.1A issued 7/31/70, and specifically noted in Appendix 2.

Section 12. Amendments to these Rules of the Association must be ratified by four-fifths vote of the entire commission before the amendment becomes a part of these Rules.

Adopted December 18, 1972.

R92-5

THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF MONTEZUMA
STATE OF COLORADO

at a regular meeting of the Board of County Commissioners of Montezuma County, Colorado duly convened and held the 13th day of February, 1972 with the following persons in attendance:

Commissioners: Chm. Curtis Honaker, Stanley E. Talcott,

and F. E. ~~Reddert~~ Reddert.

Commissioners absent: None,

County Clerk and Recorder: C. K. Herndon,

County attorney: Robert E. Parga,

the following proceedings, among others, were taken:

Whereas, Montezuma County has been divided from East to West by the reapportionment lines drawn by the Colorado House of Representatives putting the Northerly portion of the county in Representative District #58 and the remainder of the county in Representative District #59, and;

Whereas, HB #1048 creating the above apportionment, having been signed into law by the Governor of the State of Colorado, decrees that no precinct lies within more than one senatorial or more than one representative district;

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of Montezuma County, Colorado, that the precinct boundaries and precinct numbers for each General Election precinct within Montezuma County be established in accordance with the plat of Montezuma County attached hereto and incorporated herein for all purposes and that the polling places are declared to be as follows:

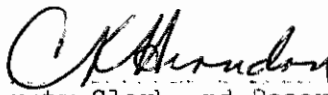
Precinct #1	Pleasant View School	Precinct #10	Empire St Baptist Church
"	2 Dolores School	"	11 Kemper School
"	3 Battlerock School	"	12 School Adm Bldg
"	4 Dolores Twon Hall	"	13 Manaugh School
"	5 Lewis-Arriola School	"	14 Lakeview Grange Hall
"	6 Empire Electric Bldg	"	15 Mancos Town Hall
"	7 Commissioners Room	"	16 Mancos School
"	8 Downey School	"	17 Mesa School
"	9 Cortez City Hall	"	18 Tribal Judges Office-Towaoc



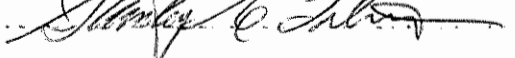
BE IT FURTHER RESOLVED that precincts shall be eighteen (18) in ~~ix~~ number and be numbered consecutively one to eighteen as set forth on the above referenced plat.

Commissioners voting aye in favor of the Resolutionn were: Honaker,

Reddert, and Talcott.

Commissioners voting Nay: None.



County Clerk and Recorder of
Montezuma County, Colorado.

I certify that the above and foregoing Resolution is a true and correct copy of same as it appears in the minutes of the Board of County Commissioners of Montezuma County Colorado, and the votes upon same are true and correct.

Dated this 13th day of February, 1972.

(SEAL)


County Clerk and Recorder of
Montezuma County, Colorado.

Resolution 12 1972 R72-4

WHEREAS, the Montezuma County Planning Commission is duly appointed and performing the planning function for Montezuma County and in the performance of their function require adequate funds for staff, material and special services, and

WHEREAS, the Colorado Division of Planning is the administrator of certain Federal funds it will make available to assist in the financial support of the County Planning Budget; and

WHEREAS, the Colorado Division of Planning has presented a contract to the Montezuma County Planning Commission to provide \$7500.00 in funds to the county, providing therefore, that certain perscribed functions of planning are performed.

NOW THEREFORE BE IT RESOLVED, that John Porter, Chairman of the Montezuma County Planning Commission and acting for the Commission, be authorized to contract with the Colorado Division of Planning for matching funds administered by that department in return for the performance of specific planning function. The contract designated as Project No. Colorado P-99, Contract No. Colorado P.37, Region 9, Colorado Division of Planning.

Resolution adopted this 14th day of February, 1972, at the Montezuma County Court-
house, Cortez, Colorado.

Wm. H. H. H. H. Chairman
Wm. H. H. H. Commissioner
Commissioner

ATTEST: C. Henderson
County Clerk and Recorder

RESOLUTION ADOPTED BY THE BOARD
OF COUNTY COMMISSIONERS OF MONTEZUMA
COUNTY, STATE OF COLORADO, AT A
REGULAR MEETING HELD ON THE 22ND DAY
OF FEBRUARY, 1972.

RESOLVED THAT:

WHEREAS, Colorado Forest Products, Inc. has applied to the Colorado Air Pollution Variance Board for a variance permit authorizing them to continue the operation of their tepee type burner until such time as Colorado Forest Products, Inc. can completely eliminate all waste burning or in the alternative convert to the use of a "smokeless" type burner, acceptable to the Colorado Air Pollution Commission.

WHEREAS, the smoke emitted from said burner now operated by Colorado Forest Products, Inc. at its Montezuma County, Colorado mill does not in the opinion of this Board constitute a health or safety hazard to the residents of this community, and

WHEREAS, Colorado Forest Products, Inc. is a large employer in this community, and a vital factor in the economy of the community, and

WHEREAS, the interruption or termination of operation by Colorado Forest Products, Inc. would have a deleterious impact on the entire economy of this community,

NOW, THEREFORE, BE IT RESOLVED:

"That a copy of this resolution be immediately forwarded to the Secretary of the Colorado Air Pollution Variance Board urging the Commission to act favorably upon the request of Colorado Forest Products, Inc. for a variance permit for the continued use and operation of their tepee burner."

PASSED, ADOPTED AND APPROVED this 22nd day of
February, 1972.

MONTEZUMA COUNTY COMMISSIONERS

By Burtis Honaker
Chairman

ATTEST:

C. K. Herndon
County Clerk

APPROVED:

David M. Denton
David M. Denton, Coordinator
Montezuma County Planning Commission

RESOLUTION

WHEREAS, THE Division of Highways, State of Colorado is making plans for continuation of Highway No. 666 in Montezuma County, Colorado. Which is designated as Project No. F 666-2 (1); and

WHEREAS, It is possible that owners of land, needed for Right-of-Way, will not negotiate and settle as to the amount of damages amicably; and

WHEREAS, It is possible that it may be necessary for the Division of Highways to bring Eminent Domain Proceedings to secure Right-of-Way; and

WHEREAS, It is the wish and desire and policy of the Board of County Commissioners of Montezuma County, Colorado to cooperate with the Division of Highways in the improving of our Division of Highways System;

WHEREAS, It is the wish and desire of the Division of Highways in the event of Eminent Domain Proceedings, that the Board of County Commissioners of Montezuma County, Colorado, should join in and be made a party to such Eminent Domain Proceedings.

NOW, THEREFORE BE IT RESOLVED, that the Board of County Commissioners of Montezuma County, Colorado, be joined as Petitioner with the Division of Highways, State of Colorado, in the event Eminent Domain Proceedings become necessary to acquire a Right-of-Way for Project F 666-2 (1) on Colorado Highway No. 666 in Montezuma County, Colorado.

BE IT FURTHER RESOLVED, That a copy of this resolution be this day forwarded to District Five of the Division of Highways, State of Colorado, Durango, Colorado.

Dated at CORTES Colorado, this 7th day of

FEBRUARY 1972.

Kurtis Hornaker
Chairman

Commissioner

Shirley E. Carter
Commissioner

ATTEST:

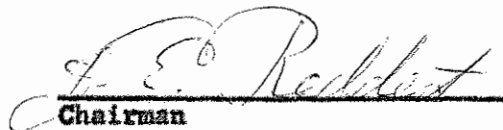
C. K. Hernandez
County Clerk and Recorder

RESOLUTION

NOW, THEREFORE BE IT RESOLVED, that the Board of County Commissioners of Montezuma County, Colorado, be joined as Petitioners with the Division of Highways, State of Colorado, in the event Eminent Domain Proceedings become necessary to acquire a right of way proposed for Project RS 0145(4) on Colorado Highway No. 145 in Montezuma County, Colorado.

BE IT FURTHER RESOLVED, that a copy of this resolution be this day forwarded to District Five of the Division of Highways, State of Colorado, Durango, Colorado.

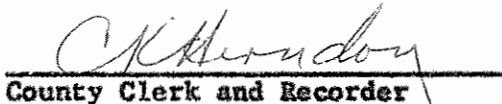
Dated at Cortez, Colorado, this
25th day of January, 1971.


Chairman

Commissioner


Commissioner

ATTEST:


County Clerk and Recorder

BOOK 428 PAGE 378

RESOLUTION NO.

2272 - 2-

WHEREAS, Montezuma County Planning Commission has by Resolution dated the 28th day of JANUARY, 1972, duly adopted a set of Regulations for Subdivision affecting the unincorporated area in Montezuma County, Colorado, and by such Resolution did recommend to the Board of County Commissioners of Montezuma County, Colorado, to adopt such Regulations as the official act of the Board of County Commissioners; and

WHEREAS, The Board of County Commissioners is authorized and empowered by Statute to provide for the physical development of the unincorporated territory within Montezuma County, Colorado; and

WHEREAS, The Montezuma County Planning Commission is authorized by Statute to adopt regulations governing the subdivision of land within the unincorporated territory of Montezuma County, Colorado, and such regulations may establish the criteria for the subdivision of land and which regulations may provide for the protection of the public interest in establishing such criteria; and

WHEREAS, The Regulations as submitted and adopted by the Montezuma County Planning Commission are fair and just and are necessary to establish a criteria for the subdivision of such land;

NOW, THEREFORE, BE IT RESOLVED, By the Board of County Commissioners of Montezuma County, Colorado, convened in regular session and following a Public Hearing, called for the purpose of hearing matters concerning Subdivision Regulations, that the attached and hereto annexed Subdivision Regulations of Montezuma County, Colorado be and the same hereby are adopted as regulations governing the subdivision of land in the unincorporated territory of the County of Montezuma, State of Colorado.

BE IT FURTHER RESOLVED, That these Regulations shall take effect JANUARY 31, 1972, and that a certified copy of these Regulations as so certified by the Montezuma County Planning Commission as adopted by this Resolution shall be filed in the Office of the County Clerk and Recorder of Montezuma County, Colorado.

Done and adopted in a regular Session by the Board of Commissioners of Montezuma County, Colorado, duly held this 31 day of JANUARY, 1972.

BOARD OF COUNTY COMMISSIONERS
MONTENZUMA COUNTY, COLORADO

ATTEST:

C. K. Herndon
County Clerk & Recorder

Edwin H. Honaker Chairman
F. E. Reddick
Stanley E. Hahn Commissioner

R E S O L U T I O N

WHEREAS, There has been considerable subdividing of lands within the County of Montezuma, outside of the territorial limits of the incorporated areas of municipalities within the County of Montezuma, also that extensive subdividing in these areas is expected in the future; and

WHEREAS, In order to provide for the physical development of the unincorporated territory within the County, it has been deemed advisable to adopt regulations governing the subdivision of land within the unincorporated area of Montezuma County, which regulations will establish the criteria for each subdivision of land; and

WHEREAS, a duly appointed committee of qualified and knowledgeable persons has submitted a proposed form of Regulations for the Subdivision of the unincorporated territory of Montezuma County, Colorado; and

WHEREAS, The Montezuma County Planning Commission has considered such proposed regulations and is of the opinion that the same are fair and just and are necessary to provide for the systematic and orderly development of the County;

NOW THEREFORE, BE IT RESOLVED, By the Montezuma County Planning Commission that the attached and hereto annexed Subdivision Regulations for Montezuma County, Colorado, be and the same hereby are recommended for adoption as regulations governing the subdivision of land in the unincorporated territory of Montezuma County, Colorado.

BE IT FURTHER RESOLVED, That these Subdivision Regulations shall become effective as and when adopted by proper Resolution of the Board of County Commissioners of Montezuma County, Colorado, which shall set forth the effective date of such Regulations.

BE IT FURTHER RESOLVED, That a certified copy of this Resolution be delivered to the Board of County Commissioners of Montezuma County, Colorado, as the recommendation of Montezuma County Planning Commission and requesting the adoption of such Regulations by said Board of County Commissioners.

Done and adopted at a special meeting of Montezuma County Planning Commission held this 21st day of January, 19 72.

Montezuma County Planning Commission

By Jalm Porter Chairman

By W. J. Hinz Commissioner

By Wayne Rogers Commissioner

By Wm. L. Nelson Commissioner

By Ray V. Bader Commissioner

SUBDIVISION REGULATIONS

Montezuma County, Colorado

1972

SECTION 1 TITLE, AUTHORITY, JURISDICTION, AND PURPOSES

1-1 Title and short Title

- A Title -- A resolution establishing rules, regulations and standards governing the subdivision of land within the County, setting forth the procedure to be followed by the Planning Commission in applying and administering these rules, regulations and standards, and setting forth the penalties for the violation thereof as established by the State of Colorado.
- B Short Title -- These Regulations shall be known and may be cited as "The County Subdivision Regulations of 1972, of Montezuma County."

1-2 Authority, Jurisdiction and Enforcement

- A The County is enabled by law to control the subdivision of all of the unincorporated land within the county limits by virtue of Section 106 of the Colorado Revised Statutes of 1963, as amended.
- B Colorado Revised Statutes 106-2-34, as amended.

Any person, partnership, or corporation intending to subdivide land as defined in this section 1-2 regulations shall submit plans and plats as required by and specified in these regulations to the County Planning Commission, located at: Montezuma County Courthouse.

(1) Plans and plats of proposed subdivision of land within the scope of these regulations located within the county shall be submitted to the County Planning Commission and the Board of County Commissioners for review and approval before such plans may be recorded with the County Recorder of Deeds. To ensure uniformity and environmental protection, such plans shall conform to and follow procedures and standards as specified in these regulations.

(2) Such plats shall not be filed with the County Recorder of Deed unless a notation has been made on the Record Plat by the Board of County Commissioners certifying that the Board of County Commissioners have approved the plat in accordance with these regulations.

(3) The term "Subdivision" means:

(a) A group of five or more building sites, tracts, or lots in which dwelling units are affixed to one or more of said sites, tracts or lots which are contiguous, or which were formerly part of an undivided common tract, or which are part of a common development; or

(b) A group of five or more building sites, tracts, or lots in which dwelling units are not affixed to one or more of said sites, tracts, or lots, which are contiguous or which were formerly part of an undivided common tract or which are part of a common development; or

(c) A divided or undivided tract or parcel of land which is sold or will be sold as five or more undivided interests in or to the whole tract or parcel of land. The word "lot" as used in this chapter shall include such undivided interests where sale is made in this manner.

(d) The definition shall apply to all divisions of land into five or more parcels, building sites, tracts or lots, any of which contains five acres of land or less. Tracts of more than five acres having public dedication of lands, streets, roadways and utility easements shall file a dedication plat with the required dedications. In no case shall the dedication of right-of-way for roadway be less than sixty (60) feet in width.

(4) The resubdivision of any existing lot or lots of any subdivision previously recorded with the County Recorder of Deed, or of any subdivision previously approved by the County Planning Commission or Board of County Commissioners.

(5) The term "subdivider" or "Developer" means any person, firm, partnership, joint venture, association or corporation who shall participate as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sales or lease of a subdivision.

1-3 Acceptance of Public Lands

Approval of a subdivision by the Joint Planning Commission and the Board of County Commission shall not constitute an acceptance by the Joint of the roads, streets, alleys or other public lands as indicated for dedication on the plat. The dedication of any of these lands for public use of any nature within the County shall be accepted by the Joint only by specific action of the Board of County Commissioners. (Appendix B)

1-4 Statement of Purposes

- A To assist orderly, efficient and integrated development of the County.
- B To promote the health, safety and general welfare of the residents of the County.
- C To ensure conformance of land subdivision plans with the public improvement plans of the County and its various municipalities.
- D To ensure coordination of inter-municipal public improvement plans and programs.
- E To encourage well planned subdivisions by establishing adequate standards for design and improvement.
- F To improve land records by establishing standards for surveys and plans.

- C To safeguard the interests of the public, the homeowner and the subdivider.
- H To secure equitable handling of all subdivision plans by providing uniform procedures and standards.

SECTION 2 PROCEDURES FOR SUBMISSION

2-1 Summary of Procedures

The following submission procedures shall apply:

A Preliminary Plan

Prior to preparing a Preliminary Plat for presentation to the County Planning Commission the subdivider shall make known his intentions to subdivide to the County Planning Commission and meet with the Commission for a "Pre-Plating" Conference. At such a conference the County Master Plan and regulations are to be reviewed and a general feasibility review of the subdividers plans be made. Memorandums will be prepared for the applicant and Commission of determination made.

Subdivider shall submit required Preliminary plan materials and supporting documents of a proposed subdivision to the County Planning Commission offices for approval prior to the submission of a Final Plat. Submission requirements and time required for review and notification are included in SECTION 4.

A period of twelve-months (12) from the date of approval of a Preliminary Plan is specified in which to submit a Final Plat, or the first section of said Preliminary Plat; thereafter approval of the Preliminary Plan will have expired.

B Final Plat

The Final Plat submission shall conform to the approved Preliminary Plan. A subdivider shall file a Final Plat with the County Recorder of Deeds within twenty (20) days of the date of the Board of County Commissioners resolution approving the plat; thereafter the approval will have expired.

C Conformity to these Regulations

Preliminary Plans and Final Plats shall conform to the requirements and specifications of these regulations and shall be submitted in the manner prescribed.

D Planning Commission Action

Failure by the County Planning Commission to act by recommending to the Board of County Commissioners approval, conditional approval or disapproval of a Final Plat within thirty-five (35) days of receipt of such plan or plat, shall be deemed a favorable approval by the County Planning Commission, and the subdivider may request a certificate from the Board of County Commissioners to that effect.

E. County Commissioners Action

The Board of County Commissioners shall act upon such preliminary plan within thirty-five (35) days of Planning Commission action. Failure by the Board of County Commissioners to act within thirty-five (35) days shall be deemed a favorable approval of such preliminary plan and a certificate shall be issued immediately thereafter to that effect.

After approval or conditional approval of the Final Plat by the Planning Commission, the subdivider or his agent shall appear at the next regularly scheduled meeting of the Board of County Commissioners to request review of the Final Plat. Failure of the Board to act on the application within thirty-five (35) days of such request shall be deemed a favorable approval of the Final Plat and a certificate shall be issued immediately thereafter to that effect.

F Acceptance of Street and Other Public Land Dedication

Acceptance of dedication of proposed public lands or streets or street rights of way, in any approved plat, can be made only by the Board of County Commissioners. Plat approval cannot be deemed as acceptance of dedication, where public lands or streets, roads and rights of ways are to be dedicated. Dedication certificate Appendix D is to be filled and acted upon separately by the Board of County Commissioners.

SECTION 3 PRELIMINARY PLAN3-1 Submission Requirements

Copies of all required material shall be officially submitted to the offices of the County Planning Commission (or their authorized representative) by the subdivider (or his authorized representative) for formal action at least twenty-one (21) days prior to a regularly scheduled Planning Commission meeting.

A Plan Requirements

(1) One copy of an Application for Approval (see APPENDIX A) of a Preliminary Plan and all required supporting documents.

(2) A minimum of ten (10) black on white or blue on white prints of the Preliminary Plan.

(3) One additional print is required when the property being subdivided abuts a state highway.

(4) One additional print is required when central sanitary sewage disposal system is proposed.

(5) When a proposed subdivision in the County lies wholly or partially within two miles of the corporate limits of a municipality, an additional print shall be included for each such county or municipality.

(4) Three (3) copies of the on-lot Sewage Disposal Report (APPENDIX B) shall be submitted where applicable in accordance with the requirements of these regulations.

(5) Payment of the required filing fee (SECTION 13).

(6) A receipt shall be issued for the Preliminary Plan submission to the subdivider when it has been determined that the submission includes all the requirements set forth in these regulations. The date of the Planning Commission meeting to review the plan shall be specified on the receipt.

B

Drawing Requirements

The accuracy of location of alignments, boundaries, and monuments shall be certified by a registered land surveyor licensed to do such work in the State of Colorado. A workman-like execution of the plan shall be made in every detail. A poorly drawn or illegible plan is sufficient cause for its rejection.

The following data shall be submitted as part of the Preliminary Plan submission:

(1) A vicinity sketch showing perimeter outline of the plan, accesses, abutting subdivision outlines and names, and other relevant information within a 1/2 mile distance of the perimeter of the proposed plat.

(2) A traverse map of the monumented perimeter of the subdivision. The traverse shall have an error of closure of not greater than one in 5000. Survey tie into the state grid or other permanent marker established by the County surveyor is required if practical.

(3) The existing contours at twenty (20) foot intervals shall be shown for all lands within the tract. Where special drainage problems may be evidenced, the Planning Commission may require drainage basin contours at two (2) or five (5) foot intervals and such determination shall be made at the "Pre-Plating" Conference.

(4) Lot and street layout.

(5) Dimensions of all lots to nearest foot.

(6) Total acreage of entire tract.

(7) Lot and blocks numbered consecutively.

(8) Location and identification of all existing and proposed public and private easements.

(9) Existing and proposed street names.

(10) The plan shall be drawn to a scale not less than one inch equals two hundred (200) feet, which shall indicate the true north line, name of the subdivision, T33S township, range, section and quarter section; block and lot number (of the property under consideration.)

(11) Abutting property lines and the respective owners' names.

(12) In cases of wooded areas, indicate the outline of wooded area and location of trees which are to remain. It is the intent of this requirement to determine the approximate location of trees for design evaluation rather than to require unnecessary surveying in of exact three locations.

(13) A statement that the applicant is the owner, equitable owner or authorized by the owner, in writing, to make application for the land proposed to be subdivided.

(14) Sites, if any, for multi-family dwelling, shopping centers, community facilities, industry, or other uses, exclusive of single family dwellings.

3-2

Supporting Documents Required

The following material shall accompany the Preliminary Plan and be considered a part of the submission:

A Three copies of the Sewage Disposal Report (APPENDIX B) where on-lot sewage treatment is proposed.

When on-lot water supply and/or on-lot sanitary sewage disposal is proposed for the subdivision, the County Planning Commission shall refer a copy of the Preliminary Plan to the County Department of Health for their report on the suitability of the land for the proposed facilities in relation to the existing public health standards and to the regulations contained herein.

B A location Map showing the following:

- (1) Related highway system.
- (2) Subdivision boundary lines.
- (3) Zoning districts, taxing districts and other special districts, if any.
- (4) Water courses.
- (5) Significant vegetation patterns.

C A map at a suitable scale showing the following:

- (1) Proposed future street layout in dashed line for any portion or parcel of the plan which is not being subdivided at the present time.
- (2) The approximate boundaries of areas subject to inundation or stormwater overflows of an intensity calculated to occur with a return frequency of once every hundred years.
- (3) Existing buildings, easements, powerlines, and other features located on the subdivision and within 200 feet of its boundaries.

The County Planning Commission will use the Generalized Soils Survey, as furnished by the U. S. Soil Conservation Service for a guide in determining site suitability. Commission may also request special soil or geologic studies if made in specific troublesome areas.

D. Summary Statement of Proposal

- (1) Total development area.
- (2) Total number of proposed dwelling units.
- (3) Total number of square feet of nonresidential floor space.
- (4) Total number of off street parking space, excluding those associated with single family residential development.
- (5) Estimated total number of gallons per day of water system requirements where a distribution system is proposed.
- (6) Estimated total number of gallons per day of sewage to be treated where a central sewage treatment facility is proposed, or general disposal means and suitability where no sewage treatment facility is proposed.
- (7) Estimated construction cost and proposed method of financing of the streets and related facilities, water distribution system, sewage collection system, storm drainage facilities, and such other utilities as may be necessary.

3-3

Review Procedures - Preliminary Plan

A When a Preliminary Plan has been officially submitted and received, it shall be placed on the agenda of the County Planning Commission meeting next scheduled for subdivision review, provided that a minimum of twenty-one (21) calendar days has elapsed between the submission date and the scheduled date of the meeting. This meeting shall be a public meeting. At such time comments from the general public may be heard and given due consideration.

B The County Planning Commission, or its authorized representative, shall immediately, upon the receipt of the complete submission, distribute copies of prints of the plan provided by the subdivider as follows:

- (1) To the appropriate school district.
- (2) To each city or town within a two mile radius of any portion of the proposed subdivision.
- (3) To any special district, ditch company and utility company as may be applicable.
- (4) To the U. S. Forest Service or the Colorado State Forest Service, where applicable (such as mountain subdivisions and in heavily wooded areas)
- (5) To the Colorado Highway Department where applicable.
- (6) To the Regional Planning Commission office, if any.

The above agencies and organizations shall respond to the County Planning Commission with comments within fourteen (14) days of receipt of the plan. Failure to respond within the fourteen (14) days shall constitute a waiver of any agency's right to make recommendations.

- C The County Planning Commission shall only recommend for approval those preliminary plans which the Commission finds to be developed in accordance with the intent, standards and criteria specified in these regulations.
- D Within five (5) days after review of the Preliminary Plan at the public meeting, the County Planning Commission shall send written notification to the Board of County Commissioners of its action. Notification shall include modification required, if any, to be included in the Final Plat.
- E The Board of County Commissioners shall act on the Preliminary Plan referred to them by the County Planning Commission within thirty-five (35) days of receipt of the transmittal from the County Planning Commission.

SECTION 4. FINAL PLAT

4-1 Submission Requirements

Copies of all required material shall be officially submitted to the offices of the County Planning Commission (or their authorized representative), by the subdivider (or his authorized representative).

Final Plats shall be submitted for approval within twelve-months (12) of the date a Preliminary Plan has been approved by the County Planning Commission, and at least then (10) days prior to Commission regularly scheduled meeting. No Final Plat submission can be accepted which has exceeded this time lapse period. An extension of time may be granted by the County Planning Commission upon written request. Plats submitted for which Preliminary Plan approval has been given in excess of twelve (12) months previous and for which no time extension has been granted may be considered by the County Planning Commission as a new Preliminary Plan.

A Plat Requirements

(1) The Final Plat submission shall conform in all major respects to the Preliminary Plan as previously reviewed and approved by the Board of County Commissioners and shall incorporate all modifications required in its review. The Board, however, may approve a Final Plat which has been modified to reflect improvements in design or changes which have occurred in its natural surroundings and environment since the time of the Preliminary Plan review and approval.

(2) A Final Plat may be submitted in sections covering representative and reasonable portions of the subdivision tract. In such cases submission shall include the Key Map, indicating the sections designated for the entire tract.

(3) One (1) copy of application from (APPENDIX A) for review of a Final Plat and all required supporting documents.

(4) Seven (7) black on white or blue on white prints of the Final Plat.

(5) A receipt shall be issued for the Final Plat submission to the subdivider (or his authorized representative) when it has been determined that the submission includes all the requirements set forth in these regulations.

B

Drawing Requirements

The Final Plat drawing shall comply with the following standards:

- (1) The plat shall be prepared and certification made as to its accuracy by a registered land surveyor licensed to do such work according to the State of Colorado. A workman-like execution of the plat shall be made in every detail. A poorly drawn or illegible plat is sufficient cause for its rejection.
- (2) There shall be one copy of the plat delineated in India Ink on water-proof tracing cloth, mylar or other permanent type material that is reproducible. Copies for permanent filing with the Planning Commission, Board of County Commissioners and other agencies shall be either blue or black line reproductions with the supporting certificates signed in original for each copy. The size of the plat shall be:

twenty-three (23) inches by twenty-seven (27) inches.
- (3) The point of beginning shall be indicated and its proper reference to the monumented perimeter survey shall be delineated on the drawing.
- (4) All bearings and distances of boundary lines shall be indicated outside the boundary line, not inside with the lot dimensions, and all dimensions necessary to establish the boundaries in the field shall be shown. Also such other survey requirements as may be applicable and cited in CRS (1953, 136-2 as amended. When the plat is bounded by an irregular shore line or a body of water, the bearings and distances of a closing intermediate traverse should be given and a notation made that the plat includes all land to the water's edge or otherwise.
- (5) If a plat is revised, a copy of the old plat shall be provided for comparison purposes.
- (6) All blocks, and all lots within each block, shall be consecutively numbered.
- (7) On curved boundaries and all curves on the plat, sufficient data should be given to enable the re-establishment of the curves. This curve data should include the following:
 - (a) Points of curvature
 - (b) Points of tangency
 - (c) Tangent distance
 - (d) Radius of curve

- (e) Arc Length
- (f) Angle or curve by arc definition
- (8) Excepted parcels shall be marked "Not included in this plat" and the boundary completely indicated by bearings and distances.
- (9) All streets, walkways and alleys shall be designated as such and named; bearings and dimensions must be given.
- (10) All easements shall be designated as such and bearings and dimensions given.
- (11) All lands within the boundaries of the plat shall be accounted for either by lots, walkways, streets, alleys or excepted parcels.
- (12) All dimensions of irregularly shaped lots shall be indicated in each lot.
- (13) Bearings shall be given for all lot lines, except that bearings need not be given for interior lot lines where the bearings are the same as those of both exterior lot lines.
- (14) Parcels not contiguous shall not be included in one plat, nor shall more than one plat be made on the same sheet. Contiguous parcels owned by different parties may be embraced in one plat, provided that all owners join in the dedication and acknowledgement.
- (15) Other information on the plat shall include:
 - (a) Name of subdivision, true north line, and date.
 - (b) Name and address of owner or owners of record.
 - (c) Total acreage of tract and total number of lots.
 - (d) Township, Range, Section and Quarter Section, block and lot numbers.
 - (e) Graphic scale.
- (16) Permanent reference monuments shall be located and set in compliance with CRS 136-2-1, as amended except that there shall be at least one permanent monument located no more than twelve-hundred (1200) feet apart along any straight boundary line.

There shall also be one reference monument located at each street intersection. Monuments shall be of same type as mentioned above and shall be set at a depth below the finished grade of the street to afford protection of the monument during normal grading operations.
- (17) The surveyor making a plat shall certify on the plat that it is correct and that the monuments described in it have been placed as described. He shall affix his name and seal.

(14) All utilities, and easements shall be shown on the final plat along with a suitable certificate from utility companies showing their approval.

A-2

Conforming Provisions

The following documents shall be submitted with the Final Plat drawing and be considered a part of the Final Plat submission:

A

Drawings showing layout of the following:

- (1) Profile and typical cross section drawings of roads and bridges;
- (2) Grading and drainage plan. Such contours shall be at twenty (20) foot intervals. The Planning Commission in special cases may require contours of ten (2) or five (5) foot intervals to be determined at the "pre-plating" conference.

These drawings shall be prepared by a registered land surveyor, as required by the laws of the State of Colorado, who is licensed to do such work in the State of Colorado.

B

The subdivider shall furnish the Planning Commission a certificate from a Title Insurance Company or an Attorney's Opinion showing that names of owners of the property covered are listed as well as a list of all mortgages, judgments, liens, easements, contracts or agreements of record in the County, which claim effect the property covered, on such plats. All parties with interests of record may be required to join in and approve the application for subdivision before the plat shall be set on by the County Planning Commission.

C

A plat showing catch-basins when two or more sheets are necessary to include the subdivision in the plat. The plat sheet shall be of the same size and material as the Final Plat.

D

Where a portion of an existing easement is contiguous to a proposed easement of right-of-way of a new subdivision, proof of the dedication of the existing easement or right-of-way acceptable to the County Planning Commission must be submitted when requested.

E

Where the subdivider is to dedicate land for roads, parks, or other public purposes, a certification of dedication must be approved by the Board of County Commissioners. (APPENDIX B)

F

Subdivision Improvement Agreement (see SECTION 9 and APPENDIX C).

G

When a new street will intersect with a state highway, a copy of the state highway permit shall be submitted.

H

Summary Statement of Proposal

- (1) Total development area.
- (2) Total number of proposed dwelling units.
- (3) Total number of square feet of nonresidential floor space.
- (4) Total number of off street parking spaces, excluding those associated with single family residential development.

- (5) Estimated total number of gallons per day of water system requirements where a distribution system is proposed.
- (6) Estimated total number of gallons per day of sewage to be treated where a central sewage treatment facility is proposed, or general disposal means and suitability where no sewage treatment facility is proposed.
- (7) Estimated construction cost and proposed method of financing of the streets and related facilities, water distribution system, sewage collection system, storm drainage facilities, and such other utilities as may be necessary. If improvements are not to be completed prior to approval of the Final Plat, the cost estimates included in this statement shall be identical to those included in the improvement agreement.
- (8) Copies of deed restrictions, including those required by the County, to govern the future use of each lot and any common land with regard to the future construction of water or sewer system, resubdivision, and other potential changes which might significantly alter the subdivision as approved by the County with regard to the criteria and standards of these regulations.

Review Procedures - Final Plat

When a Final Plat has been received it shall be reviewed at the meeting next scheduled for subdivision review by The Planning Commission provided that a minimum of ten (10) calendar days has elapsed between the submission date and the scheduled date of the meeting.

County Planning Commission Review

The County Planning Commission shall review the Final Plat at a regularly scheduled public meeting. The Commission may require or recommend changes or modifications to the Final Plat in the public interests. If the Final Plat and all supplementary data complies with the applicable requirements of these regulations, the County Planning Commission shall endorse the plat as follows: "Reviewed and recommended to be approved (or reviewed and recommended to be conditionally approved as noted) by the County Planning Commission" . . . and date of action.

Within five (5) days after review of the Final Plat at the public meeting, the County Planning Commission shall send written notification of its Review to the Board of County Commissioners. Required modification to the Final Plat, if any, shall be noted on three (3) prints of the plat; one copy to be transmitted to the Board of County Commissioners, one copy to be retained in the Planning Commission files, and one copy to be transmitted to the subdivider.

The only basis for rejection of a plat shall be its non-conformance to adopted rules, regulations and ordinances currently in force and affecting the land and its development in the county, and its lack of conformance with approved Preliminary Plan.

B

Board of County Commissioners Review

The Board of County Commissioners shall review the Final Plat within thirty-five (35) days of receipt of transmittal from the Planning Commission at a regularly scheduled public meeting. If the Board determines that the Final Plat submission complies with the applicable requirements of these regulations, they shall endorse the plat as follows:

Reviewed and approved (or approved conditionally as noted)
by the Lontezuma County Board of County Commissioners.

Chairman
Date _____ Commissioner

Commissioner

ATTEST:
County Clerk and Recorder

C

The approved plats or prints marked for modification, together with the official notification of the action shall be distributed as follows:

- (1) One copy to County Planning Commission files.
- (2) One copy to Board of County Commissioners files.
- (3) One copy to Subdivider.
- (4) One copy to Engineer or Surveyor of the subdivider.
- (5) One copy to the Regional Planning Commission.
- (6) One copy to Colorado Land Use Commission together with supporting materials submitted pursuant to Section 4-2, H.

D

Recording Final Plat

- (1) The subdivider or his agent shall record the Final Plat with the County Recorder of Deeds within twenty (20) working days of approval of the Final Plat by the Board of County Commissioners.
- (2) The County Recorder of Deeds shall furnish the subdivider with a receipt for the Final Plat upon filing of the Final Plat.

4-4

Resubdivision Procedure

A

Resubdivision of land or changes to a recorded plat shall be considered a subdivision and it shall comply with these regulations with the following exceptions:

- (1) Lot lines may be revised from those shown on the recorded plat provided that in making such changes:

(a) No lot or parcel of land shall be created or sold that is less than the minimum requirements for area of dimension as established by these regulations or other applicable regulations or ordinances;

(b) Drainage easements or rights-of-way reserved for drainage shall not be changed;

(c) Street locations and street rights-of-way shall not be changed; and

(d) The plat shall not be altered in any way which will adversely affect the character of the plat filed.

(2) If it is discovered that there is an engineering or survey error in a recorded final plat, the subdivider shall be required to file a corrected final plat which shall be approved by the Planning Commission and the Board of County Commissioners. If, however, the correction of the error results in such major alterations that the corrected plat no longer meets the design standards and criteria of these regulations, then the corrected plat shall require full approval procedures.

B A copy of all Final Plat revisions shall be submitted to the County Planning Commission and the Board of County Commissioners for their review.

C Where the resubdivision complies with the appropriate requirements of these regulations, a Record Plat indicating the resubdivision shall be submitted to the County Planning Commission and the Board of County Commissioners for their endorsements, prior to the filing of such plat with the County Recorder of Deeds. Such plats shall specifically indicate the revisions being made compared to the previously recorded plat.

SECTION 5 CONFORMANCE WITH EXISTING LAWS

Land shall be subdivided in conformance with The Master Plan, zoning ordinance, and other ordinances and regulations in effect in the County. In the absence of such Plans and/or ordinances these regulations are not to be construed as a substitute for such Plans and/or ordinances; however unzoned and unregulated areas may be subdivided and plats filed so long as they conform to these regulations. In such cases the Planning Commissions and County Commissioners shall consider the following criteria. These criteria shall also apply to subdividers within a PUD zoned area of a county with Zoning Ordinance.

Planned Unit Developments

Planned Unit Developments shall meet the following criteria:

(1) The design shall meet all the design criteria for road design, drainage, sewage, and water as set forth elsewhere in these regulations.

(2) The PUD design shall specify that the common area shall be a part of the overall area covered by the Parking Plan.

(a) That each parcel within the area shall be deeded as a unit granting to the parcel owner a proportionate undivided interest in the common area in perpetuity with a deed restriction against future residential, commercial or industrial development.

- (b) There shall be a plan, which shall also be a deed restriction by covenant or otherwise, in perpetuity, binding the unit owners to a method of maintenance of the common area.

SECTION 6 DESIGN STANDARDS

All subdivisions approved by the County must comply with the following standards.

6-1 General Standards

- A The design and development of subdivisions shall preserve, insofar as it is possible, the natural terrain, natural drainage, existing top soil, and trees.
- B Land subject to hazardous conditions such as flooding, open quarries, earth slides, rock falls, or other geologic conditions causing a hazard, and polluted or non-potable water supply shall not be subdivided until the hazards have been eliminated or will be eliminated by the subdivision and construction plans.

C Lots

- (1) Lot dimensions and sizes shall excluded street right-of-way.

The following lot area shall apply:

- (a) Lots under 3 acres shall be served by a central water and sewer system except that an approved cistern may be used for an onsite water system. Maximum lot length shall not exceed 2.5 times the width. The Planning Commission should consider for variance to this section, recommendations from the County Health Department, special soil and density situations, and special equipment to be used.

- (b) No lot shall be less than 9,000 square feet in area;

- (2) Each lot shall abut a public dedicated roadway or street.

- (3) Lots with double frontage shall be avoided, except where essential to provide separation from major arterials or incompatible land uses.

- (4) Side lot lines shall be substantially at right angles or radial to street lines.

- (5) In the case of wedge-shaped lots, no lot shall be less than fifty (50) feet in width at the front property lines.

6-2 Streets

A Street Requirements

- (1) Street Plans. The street or roadway layout shall conform to the street and road plan of Montezuma County. Streets shall be aligned to join with planned or existing streets as nearly as practical.

(2) Street shall be designed to bear a logical relationship to the topography.

(3) Whenever streets are not aligned, off-sets shall be at least one hundred fifty (150) feet., centerline to centerline.

(4) Through Traffic. Local streets shall be laid out to discourage through traffic.

(5) Intersections. Intersections of local streets with major streets shall be kept to the minimum.

(6) Intersections shall be as nearly at right angles as possible with no intersections designed at an angle of less than 70 degrees.

(7) Cul de sac streets shall be permitted, provided they are not more than six hundred sixty (660) feet in length and have turnaround diameter of at least one-hundred (100) feet. The drainage should be toward the intersecting street or a drainage easement shall be required.

(8) Dead-end streets with exceptions of cul de sacs, shall be prohibited unless they are designed to connect with future streets in adjacent land, in which case a temporary turnaround easement may be permitted if written agreement is obtained from the adjoining landowner.

(9) Right-of-Way Width. Streets shall have the following minimum right-of-way widths:

(a) Major highway - a minimum of one hundred (100) feet, or as required by state and federal standards.

(b) Collector street - sixty (60) feet.

(c) Local street and service road - fifty (50) feet.

(10) Roadway Width. Streets shall have the following roadway widths:

(a) Major highway - a minimum of sixty-four (64) feet, or as required by state and federal standards.

(b) Collector street - forty-four (44) feet.

(c) Local street or service road - thirty-four (34) feet.

(11) Street right-of-way width and street width and standards of construction shall conform to the standards in effect for the adjacent municipality when the subdivision lies within two miles of said municipality.

(12) Half Streets. Half streets shall not be permitted, except when required to complete a half street already in existence.

B Street Names. Streets shall have the names of existing streets which are in alignment in the county or in an adjoining county or municipality. There shall be no duplication of street names within the area.

C Frontage of Major Highways. Where a residential subdivision abuts a major highway, service roads may be required.

D Roadbed Construction Standards for Roadways.

(1) All streets dedicated for public use shall meet the standards and quality of construction required by the County Road Department.

6-3 Sidewalks. All sidewalks shall be a minimum of 4' width and 4" thickness on an approved base.

6-4 Block Standards and Walks

A Block Standards. Block lengths shall be reasonable in length, not less than three hundred (300) feet or more than one thousand (1000) feet, and the total design provide for convenient access and circulation for emergency vehicles.

6-5 Easement Standards

A Easements shall follow rear and side lot lines wherever practical and shall have a minimum total width of twenty (20) feet apportioned equally in abutting properties. They shall be designed so as to provide efficient installation of utilities. Special guying easements at corners may be required. Public utility installations shall be so located as to permit multiple installations within the easements.

6-6 Alleys

A Service access to the interior of blocks may be permitted in certain instances, in which case such alleys must be indicated in the plan and plat.

6-7 Driveways

A Driveways shall not be permitted to have direct access to major highways.

6-8 Sanitary Sewage Disposal

A General Requirements. In all new subdivisions all lots or parcels which are not to be connected to a public or community sanitary sewage system shall be provided with an on-lot sewage disposal system prior to the occupancy of, or use of buildings constructed thereon. In order to determine the adequacy of the soil involved to properly absorb subsurface sewage effluent and to determine by minimum lot area required for such installations, soil percolation tests shall be performed. The results of these tests will be reviewed by the County Planning Commission and by the county or district department of Health to determine the general suitability of the soil for on-lot disposal systems. The following general standards shall be met:

(1) Percolation tests must be supervised and certified by a registered professional engineer or by a qualified sanitarian.

(2) Other applicable standards adopted by the County Commissioners or county, or district health department.

2

Sanitary Sewer Mains, Laterals and House Connections

Where local, county, and regional master plans indicate that construction or extension of sanitary sewers may serve the subdivision area within a reasonable time, the County may require the installation and capping of sanitary sewer mains and house connections in addition to the installation of temporary individual on-lot sanitary disposal systems.

Responsibility for the design and supervision of installation of all capped sewers, laterals, and house connections shall be that of the county. Whenever individual on-lot sanitary sewage disposal systems are proposed the subdivider shall either install such facilities, or require by deed restrictions or otherwise as a condition of the sale of each lot or parcel within such subdivision that the on-lot sanitary sewage disposal facilities be installed by the purchaser of said lot at the time that the principal building is constructed. In all other cases sanitary sewage disposal facilities shall be provided for every lot or parcel by a complete community or public sanitary system.

3

Test Procedures

Test procedures shall be conducted in accordance with U. S. Public Health Service Publication Number 526, 1963 Edition, and its amendments and other county requirements.

6-9

Water Supply

(a) An adequate supply of potable water shall be available to each lot for the proposed subdivision. Design and installation of all systems shall be the responsibility of the subdivider with all plans subject to approval of the Board of County Commissioners through their designated representatives and the State of Colorado Department of Public Health. All water system improvements, with the exception of individual wells or cisterns proposed on each lot, shall be the responsibility of the subdivider.

(b) Where a community water system is to be utilized as a source of water, a description of the entity, legally organized and licensed to administer the system shall be provided.

6-10

Complete drainage systems for the entire subdivision area shall be designed by a professional engineer, licensed in the State of Colorado and qualified to perform such work and shall be shown graphically. All existing drainage features, which are to be incorporated in the design shall be so identified. If the Final Plat is to be presented in sections, a general drainage plan for the entire area shall be presented with the first section and appropriate development stages for the drainage system for each section shall be indicated.

- F A Drainage System shall be designed:
- (1) To permit the unimpeded flow of natural water courses.
 - (2) To ensure adequate drainage of all low points.
- G The drainage system shall be designed to consider the drainage basin as a whole and shall accommodate not only run-off from the subdivision area but also, where applicable, the system shall be designed to accommodate the runoff from those areas adjacent to and "upstream" from the subdivision itself.
- H All proposed surface drainage structures shall be indicated.
- I All appropriate designs, details, and dimensions necessary to clearly explain proposed construction materials and elevations shall be included in the drainage plans.
- 6-11 Subdividing or Planning all of Parcel
- Where an entire parcel is not subdivided, the subdivider must indicate his intended plans for disposition of the remainder of the parcel.
- 6-12 Public Sites and Open Spaces
- The County Planning Commission and the Board of County Commissioners, upon consideration of county circulation and facilities and the particular type of development proposed in the subdivision, may require the dedication of areas of sites of a character, extent and location suitable for public use for schools, parks, greenbelts, or other necessary public purposes (other than subdivision streets) according to one of the following alternatives:
- (1) Five percent (5%) of the total area of the subdivision may be dedicated to a public agency for one or more essential public purposes. Any area so dedicated will be maintained by the County.
 - (2) Five percent (5%) of the total area of the subdivision may be reserved through deed restrictions as open areas, the maintenance of which shall be ensured by specific obligations in the deed of each lot within the subdivision.
 - (3) As an alternative to the dedication or reservation of land the subdivider may be required to contribute to the county a sum equal to a percent of the market value of the total area being subdivided prior to subdivision or to the construction of improvements related to the subdivision. Such funds collected shall be placed in a Trust Fund for acquisition of land or facilities for public use such as parklands, open-space lands, school lands, greenbelt lands, or such other environmental purposes deemed necessary for the subdivision and nearby subdivision. Such Trust Funds to be administered by the Montezuma County Board of Commissioners.

SECTION 7 MOUNTAIN SUBDIVISIONS

In those sections of the county where significant undulating terrain is encountered, the County Planning Commission may classify the subdivision as a Mountain Subdivision. Such determination shall be made at the "Fire-Fighting" Conference.

Local mountain roads shall have a fifty (50) foot minimum deeded right-of-way and a minimum usable road surface of twenty-four (24) feet. Collector streets in mountain subdivisions shall have a minimum right-of-way of sixty (60) feet and a usable road surface of at least thirty-four (34) feet. All cut areas to be back sloped at no less than 2 to 1 slope, and all roads shall be ditched to minimum width of five (5) feet.

- E Proper ditches for drainage and necessary culverts as approved by the county engineer or a professional engineer employed or contracted by the county.
- F Grades shall not exceed eight percent (8%) except as Road Department may be otherwise directed by the county. The maximum permissible grade shall be ten percent (10%).
- G To provide for the safety and general well-being of the residents of the subdivision and the public in general where the danger of flooding, fire, slides and other emergency conditions may exist, the Planning Commission may require two or more routes of ingress and egress.

7-2

Review Procedures

Recommendations from the following agencies shall be considered by the Planning Commission in any decision to allow residential development and/or subdivisions where substantial portion of the topography is thirty (30) percent or greater.

- (a) The County Health Department
- (b) The County Engineering Department
- (c) The Colorado Water Pollution Control Commission
- (d) The Colorado State and U. S. Forest Service
- (e) A qualified Engineering Geologist registered as a professional engineer in the State of Colorado.

In the absence of planning and zoning, the above recommendations shall specifically include recommended dwelling unit densities appropriate to the capabilities of the area and the proposed water and sewer systems.

The determination of such thirty (30) percent slope in any mountain subdivision shall be by reference to United States Geological Survey 7.5 minute topographic quadrangle maps as a criteria or a similar topographical survey furnished by a registered land surveyor.

8-1 General Requirements

A The following improvements shall be constructed at the expense of the subdivider as stipulated in the Subdivision Improvement Agreement (APPENDIX C) in a manner approved by the County Planning Commission which is consistent with sound construction and local practice. Where specific requirements are spelled out in other sections of these regulations, they shall apply:

- (1) Road, grading and surfacing
- (2) Curbs, if required
- (3) Sidewalks, if required
- (4) Sanitary sewer laterals where required
- (5) Storm sewers or storm drainage system, as required
- (6) Water distribution system, where applicable
- (7) A permanent type street sign approved by the County Planning Commission shall be installed at all street intersections.
- (8) Permanent reference monuments
- (9) The subdivider shall make necessary arrangements, including any construction or installation charges to extend proposed utilities to be available to the subdivision such as electricity, telephone, gas or water service to each lot of the subdivision. Proper evidence of such satisfactory arrangements shall be supplied as a part of the plat filing.
- (10) Other facilities as may be specified or required in these regulations, or by the County Planning Commission.

SECTION 9 IMPROVEMENTS AGREEMENT

9-1 Contract

No Final Plat shall be approved by the Court, until the subdivider has submitted a Subdivision Improvement Agreement (APPENDIX C). The Planning Commission may submit the estimates of the Subdivider Improvement Agreement to qualified engineers or contractors for verification of the estimate amounts. The Planning Commission must approve the Subdivision Improvement Agreement before a final plat is approved.⁵

9-2 Approval of Guarantee

A bond, credit deposit letter, certified check or other suitable collateral in an amount stipulated in the Subdivision Improvement Agreement and in a form determined by the county to guarantee the performance of the above agreement or contract and to secure the completion of the above improvements in accordance with the design specifications and within the time specified shall accompany the final plat submission. Except where roads, utilities or other improvements shall be constructed by an Improvement District or Home Owners Association, in which event, evidence of the formation of the

district or association to provide such improvements in accordance with the Improvement Agreement shall be submitted. Where the improvements have not been constructed in accordance with the requirements and specifications, the county shall withdraw adequate funds from the bond or collateral deposit needed to rectify the situation.

9-3

Release of Guarantee

From time to time as the required improvements in a subdivision are completed, the subdivider shall apply in writing to the County for a partial or full release of the bond, credit deposit letter, certified check, or other collateral. Upon receipt of such application in writing, the County or its agent shall inspect that portion of the improvement which has been completed. If the County determines from such inspection that the improvements thus far completed have been made in accordance with the Final Plat and the requirements of these regulations, a portion of the bond, credit deposit letter, certified check, or other collateral sufficient to cover the cost of the improvements thus far completed shall be released. A twenty-five (\$25.00) dollar fee shall be paid to the County for each release inspection.

SECTION 10 VARIANCES

(1) UNUSUAL CONDITIONS. The County Planning Commission may authorize variances from these regulations in cases where, due to exceptional topographical conditions or other unusual conditions peculiar to the site, and an unnecessary hardship placed on the subdivider. Such variance shall not be granted if it would be detrimental to the public good or impair the intent and purposes of this resolution. The conditions of any variance authorized shall be stated in writing in the minutes of the County Planning Commission, with the justifications set forth.

(2) PLANNED UNIT DEVELOPMENT (PUD). These regulations may be modified by the County Planning Commission in the case of a plan for an entire neighborhood, community or town with a development and building program that, in the judgement of the County Planning Commission, provides adequate open spaces, traffic circulation and service needs of the tract when fully developed and populated. Variances may be granted subject to the approval of the site plan. Covenants, restrictions financial guarantees and other legal assurances to guarantee that the plan will be followed and developed shall accompany the plat.

SECTION 11 VIOLATIONS AND PENALTIES

Whoever, being the owner, or agent of the owner, of any land located within a subdivision transfers or sells or agrees to sell or negotiates to sell any land by reference to or exhibition of or by use of a plan or plat of a subdivision before such plan or plat has been approved by any such planning commission and recorded or filed in the office of the County Recorder, shall forfeit and pay a penalty of five hundred dollars (\$500.00) each lot or parcel so transferred or sold or agreed or negotiated to be sold. Each day of violation shall constitute a separate offense. The description of such lot or parcel by metes or bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies provided in this section. The county may enjoin such

transfer sale or agreement by action to a junction brought in any court of equity jurisdiction and may recover the said penalty by civil action in any court of competent jurisdiction. (C.R.S. 106-2-9 (4)).

SECTION 12 VALIDITY

If any section, subsection, paragraph, clause, phrase, or provision of these regulations shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of these regulations as a whole or any part of provision hereof, other than the part so adjudged to be invalid or unconstitutional.

SECTION 13 SCHEDULE OF FEES

To defray a portion of the expense of subdivision review, the following schedule of fees for review and supervision shall apply.

\$50.00 for first 20 acres and \$50.00 for each additional 20 acres plotted, up to a maximum filing fee of two-hundred fifty (\$250.00) dollars.

SECTION 15 DEFINITIONS

1. COMPREHENSIVE PLAN. A comprehensive plan for the future growth, protection, and development of the municipality, affording adequate facilities for housing, transportation, comfort, convenience, public health, safety, and general welfare of its population.
2. CROSSWALK OR WALKWAY. A right-of-way dedicated to public use, to facilitate pedestrian access through a subdivision block.
3. DWELLING UNIT. Any structure or part thereof, designed to be occupied as the living quarters of a single family or housekeeping unit.
4. EASEMENT. A right to land generally established in a real estate deed to permit the use of land by the public, a corporation, or particular persons for specified uses.
5. IMPROVEMENTS AGREEMENT GUARANTEE. Any security which may be accepted by the Planning Commission in lieu of a requirement that certain improvements be made by the subdivider before the plat is approved, including performance bonds, escrow agreements, and other similar collateral or surety agreements.
6. LATERAL SEWER. A sewer which discharges into another sewer and has only building sewers tributary to it.
7. LOT. The unit into which land is divided on a subdivision plat or deed, with the intention of offering each unit for sale, lease or separate use, either as an undeveloped or developed site, regardless of how it is conveyed. Lot shall also mean parcel, plot, site, or any similar term.
8. MULTI-FAMILY DWELLING. A building providing separate dwelling units for two or more families.
9. MUNICIPALITY. Includes an incorporated city or town.

10. OFFICIAL MAP. The official map as adopted by a county or municipality.
11. CURB-STREET PARKING SPACE. The space required to park one passenger vehicle which space shall be not less than 200 sq. ft. in area, exclusive of access drives.
12. PERMANENT MONUMENT. Any structure of masonry or steel permanently placed on or in the ground, including those expressly placed for surveying reference.
13. PLAN, PRELIMINARY. The preliminary map or maps of a proposed subdivision, drawn and submitted in accordance with the requirements of these regulations.
14. PLAT. A "plat" as used in these regulations shall be map of certain described land prepared as an instrument for recording of real estate interests with the County Recorder of Deeds.
15. REVERSE FRONTAGE LOTS. Lots which front on one public street and back on another.
16. ROADWAY. That portion of the street right-of-way designed for vehicular traffic.
17. STREET. Any street, avenue, boulevard, road, lane, parkway, viaduct, alley, or other way for the movement of vehicular traffic which is an existing state, county or municipal roadway, or a street or way shown upon a plat, heretofore approved, pursuant to law or approved by official action; and includes the land between street lines, whether improved or unimproved, and any cornice payment, shoulders, gutters, sidewalks, parking areas and other areas within the right-of-way. For the purpose of this ordinance streets shall be classified as defined in subsection (a) through (d):
 - (a) MAJOR HIGHWAY. A major regional highway including an expressway, freeway or interstate highway designed to carry vehicular traffic.
 - (1) into, out of, or through the regional area (intra-regional)
 - (2) from one political subdivision of the region to another or from an intra-regional highway (intra-regional)
 - (b) MAJOR STREET. A street or road designed to carry vehicular traffic from one part of a political subdivision to another part of that same political subdivision.
 - (c) COLLECTOR STREET. A street or road designed to carry vehicular traffic from one or more residential or non-residential areas to or from a Major Street or Major Highway.
 - (d) LOCAL STREET. A street or road designed to carry vehicular traffic from one or more individual residential or non-residential units to or from a Collector Street.

(e) **ALLEY.** A minor way which is used primarily for vehicular services access to the rear or side of properties otherwise abutting on a street.

(f) **CUL-DE-SAC.** A short dead-end street terminating in a vehicular turn around area.

(g) **HALF STREET.** A street parallel and contiguous to a property line and of lesser right-of-way width than is required from minor or major street.

(h) **SERVICE ROAD.** A street or road paralleling and abutting major streets to provide access to adjacent property so that each adjacent lot will not have direct access to the major street.

(i) **STUB STREET.** A street or road extending from within a subdivision boundary and terminating there with no permanent vehicular turn around. Stub streets are provided to permit adjacent undeveloped parcels of land to be developed later with an adjacent connecting street system.

19. **STREET RIGHT-OF-WAY.** The portion of land dedicated to public use for street or utility purposes.

20. RULES OF CONSTRUCTION OF LANGUAGE

(1) The particular controls the general

(2) In case of any difference of meaning or implication between the text of this Resolution and the captions for each Section, the text shall control.

(3) The Word "shall" is always mandatory and not directory, the word "may" is permissive.

(4) Words used in the present tense include the future, unless the context clearly indicates the contrary.

(5) Words used in the singular number include the plural, and words used in the plural number include the singular, unless the context clearly indicates the contrary.

SECTION 16 OTHER ADMINISTRATIVE PROVISIONS

INTERPRETATION

In the interpretation and application of the provisions of this Resolution, the following regulations shall govern:

(1) **Provisions are Minimum Requirements:** In their interpretation and application, the provisions of the Resolution shall be regarded as the minimum requirements for the protection of the public health, safety, comfort, morals, convenience, prosperity and welfare. This Resolution shall therefore be regarded as remedial, and shall be liberally construed to further its underlying purposes.

(2) Application or Overlapping Regulation: Whenever both a provision of this Resolution, or any provision in any other law, ordinance, resolution, rule or regulation of any kind, contain any restrictions covering any of the same subject matter, whichever restrictions are more restrictive or impose higher standards or requirements shall govern.

(3) Existing Permits and Private Agreements: This Resolution is not intended to abrogate or annul:

(a) Any permits issued before the effective date of this Resolution; or

(b) Any easement, covenant or any other private agreement.

AMENDMENT

The Board of County Commissioners on the recommendation of the County Planning Commission may amend the requirements of these regulations after giving public notice of any such proposed amendment and after holding a public hearing thereon, provided that should any state law be enacted affecting the areas regulated herein, such amendment or change shall be deemed incorporated herein.

SEPARABILITY

It is hereby declared to be the legislative intent that the several provisions of this Resolution shall be severable, in accordance with the provisions set forth below:

(1) If any Provision Is Declared Invalid: If any provision of this Resolution is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the legislative intent that:

(a) The effect of such decision shall be limited to that provision or provisions which are expressly stated in the decision to be invalid; and

(b) Such decision shall not affect, impair or nullify this Resolution as a whole or any other part thereof, but the rest of this Resolution shall continue in full force and effect.

(2) If the application of any provision of this Resolution to any tract of land is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the legislative intent that:

(a) The effect of such decision shall be limited to that tract of land immediately involved in the controversy, action or proceeding in which the judgment or decree of invalidity was rendered; and

(b) Such decision shall not affect, impair or nullify this Resolution as a whole or the application of any provision thereof, to any other tract of land.

All resolutions of Montezuma County Commission inconsistent herewith to the extent of such inconsistency, and no further, are hereby repealed.

APPENDIX A
APPLICATION FORMS

Additional copies may be obtained
from the County Planning Commission
offices,

APPLICATION FOR SUBDIVISION APPROVAL

MONTEZUMA COUNTY PLANNING COMMISSION

Preliminary Plan

File No. _____

Check One

Final Plat

Date of Application _____

Name of Subdivision _____

If a Final Plat, indicate:

Section Number, if any _____

Date of Preliminary Plan Approval _____

Location _____

Owner _____

Address _____ Telephone _____

Applicant _____

Address _____ Telephone _____

Licensed Land Surveyor or Qualified Sanitarian _____

Address _____ Telephone _____

Existing Zoning _____

Number of lots _____ Total Acreage _____

Minimum lot size _____

Lineal Feet of New Streets _____

Water Supply: Public System _____ On-Lot System _____

Sewage System: Public System _____ On-Lot System _____

Average Sale price of houses to be built _____

REMARKS:

Signature of Owner of Applicant

APPENDIX B

SEWAGE DISPOSAL REPORT

SEWAGE DISPOSAL REPORT FORM

MONTEZUMA COUNTY PLANNING COMMISSION

File No._____
Date Received

The following information is required for all subdivisions where on-lot disposal systems are planned. Three (3) completed copies of this form shall be included with the preliminary plan submission, where required.

Subdivision Name _____

Subdivider _____

Address _____ Telephone _____

Total area of Subdivision _____ sq. ft.

Typical Lot Area _____ sq. ft.

Provide information and data on sub soil conditions for the subdivision area:

Provide information and data on water table elevations for the subdivison area:

REMARKS:

SEWAGE DISPOSAL REPORT
(Continued)

MONTEZUMA COUNTY PLANNING COMMISSION

Soil Percolation Test Report

Test Hole	Time	Depth of Water	Drop	Comments
No.				
Depth				
Soil Type				
Rate of fall				
Min./in.				
No.				
Depth				
Soil Type				
Rate of fall				
Min./in.				
No.				
Depth				
Soil Type				
Rate of fall				
Min./in.				
No.				
Depth				
Soil Type				
Rate of fall				
Min./in.				

SEWAGE DISPOSAL REPORT
(Continued)

MONTEZUMA COUNTY PLANNING COMMISSION

I hereby certify that the attached information in this Sewage Disposal Report is true and correct and that these tests have been made under supervision by _____ in accordance with the procedures required by these regulations.

Licensed Land Surveyor or
Qualified Sanitarian

(seal)

Date

Signature of Subdivider

Date

MONTEZUMA COUNTY PLANNING COMMISSION

ANALYSIS OF SUBDIVISION SEWAGE DISPOSAL REPORT
(By _____)

_____ Suitable for the use of individual septic tank system provided that:

1. The design of the subdivision provides for each building lot a sub-surface disposal field having a gross area of at least _____ square feet per bedroom.
2. The tract, or portions of the tract designated, conforms to the following conditions:

_____ Unsuitable for use of individual septic tank systems for the following reasons: _____

_____ Suggested alternate method of sewage disposal: _____

_____ Department of Health

Reviewing Office _____ Date _____

It is understood that the conclusions rendered on this report do not cover the installation of the individual septic tank systems. The design, construction and installation of each facility should be based upon specific conditions affecting each building lot.

BOOK **426** PAGE **414**

APPENDIX C

SUBDIVISION IMPROVEMENTS AGREEMENT FORM

SUBDIVISION IMPROVEMENTS AGREEMENT
(Continued)

The above improvements shall be constructed in accordance with all County requirements and specifications, and conformance with this provision shall be determined solely by the below-named County or its duly authorized agent.

The improvements shall be constructed in accordance with the time schedules shown above.

Signature of Subdivider
(If corporation, to be signed by President and
attested by Secretary, together with the
corporate seal).

Dated: _____, 19____.

ACCEPTANCE

Approved by resolution of the _____
at the meeting of _____, 19_____.

Signature of Authorized Office of County

BOOK 426 PAGE 417

APPENDIX D

CERTIFICATE OF DEDICATION AND OWNERSHIP

KNOW ALL MEN BY THESE PRESENTS that

being the owner (s) of certain lands in Montezuma County, Colorado, described as follows:

and containing _____ acres more or less; have by these presents laid out, platted and subdivided the same into lots and blocks, as shown on this plat, under the name and style of _____, and do hereby grant to the County of Montezuma, State of Colorado, for the use of the public, the Avenues, Streets, Drives, Courts and Places hereon shown. Also the easements are reserved as shown, for public utility purposes and drainage.

Executed this _____ Day of _____, A.D. 19____

Owner (s) _____

STATE OF COLORADO)
) ss
COUNTY OF MONTEZUMA)

The foregoing dedication was acknowledged before me this _____ day of _____ A.D.
19_____, by _____

My Commission expires _____

WITNESS MY HAND AND SEAL

Notary Public

Approved and Accepted this _____ day of _____ A.D. 19____

MONTEZUMA COUNTY BOARD OF COMMISSIONERS

Chairman

Attest: _____
County Clerk and Recorder

BOOK 428 PAGE 378

RESOLUTION NO.

2272 - 2-

WHEREAS, Montezuma County Planning Commission has by Resolution dated the 28th day of JANUARY, 1972, duly adopted a set of Regulations for Subdivision affecting the unincorporated area in Montezuma County, Colorado, and by such Resolution did recommend to the Board of County Commissioners of Montezuma County, Colorado, to adopt such Regulations as the official act of the Board of County Commissioners; and

WHEREAS, The Board of County Commissioners is authorized and empowered by Statute to provide for the physical development of the unincorporated territory within Montezuma County, Colorado; and

WHEREAS, The Montezuma County Planning Commission is authorized by Statute to adopt regulations governing the subdivision of land within the unincorporated territory of Montezuma County, Colorado, and such regulations may establish the criteria for the subdivision of land and which regulations may provide for the protection of the public interest in establishing such criteria; and

WHEREAS, The Regulations as submitted and adopted by the Montezuma County Planning Commission are fair and just and are necessary to establish a criteria for the subdivision of such land;

NOW, THEREFORE, BE IT RESOLVED, By the Board of County Commissioners of Montezuma County, Colorado, convened in regular session and following a Public Hearing, called for the purpose of hearing matters concerning Subdivision Regulations, that the attached and hereto annexed Subdivision Regulations of Montezuma County, Colorado be and the same hereby are adopted as regulations governing the subdivision of land in the unincorporated territory of the County of Montezuma, State of Colorado.

BE IT FURTHER RESOLVED, That these Regulations shall take effect JANUARY 31, 1972, and that a certified copy of these Regulations as so certified by the Montezuma County Planning Commission as adopted by this Resolution shall be filed in the Office of the County Clerk and Recorder of Montezuma County, Colorado.

Done and adopted in a regular Session by the Board of Commissioners of Montezuma County, Colorado, duly held this 31 day of JANUARY, 1972.

BOARD OF COUNTY COMMISSIONERS
MONTENZUMA COUNTY, COLORADO

ATTEST:

C. K. Herndon
County Clerk & Recorder

Edwin H. Honaker Chairman
F. E. Reddick
Stanley E. H. H. Commissioner

D E S C R I P T I O N

WHEREAS, There has been considerable subdividing of lands within the County of Montezuma, outside of the territorial limits of the incorporated areas of municipalities within the County of Montezuma, also that extensive subdividing in these areas is expected in the future; and

WHEREAS, In order to provide for the physical development of the unincorporated territory within the County, it has been deemed advisable to adopt regulations governing the subdivision of land within the unincorporated area of Montezuma County, which regulations will establish the criteria for each subdivision of land; and

WHEREAS, a duly appointed committee of qualified and knowledgeable persons has submitted a proposed form of Regulations for the Subdivision of the unincorporated territory of Montezuma County, Colorado; and

WHEREAS, The Lontoxom County Planning Commission has considered such proposed regulations and is of the opinion that the same are fair and just and are necessary to provide for the systematic and orderly development of the County;

NOW THEREFORE, BE IT RESOLVED, By the Montezuma County Planning Commission that the attached and hereto annexed Subdivision Regulations for Montezuma County, Colorado, be and the same hereby are recommended for adoption as regulations governing the subdivision of land in the unincorporated territory of Montezuma County, Colorado.

BE IT FURTHER RESOLVED, That these Subdivision Regulations shall become effective as and when adopted by proper Resolution of the Board of County Commissioners of Montezuma County, Colorado, which shall set forth the effective date of such Regulations.

BE IT FURTHER RESOLVED, That a certified copy of this Resolution be delivered to the Board of County Commissioners of Montezuma County, Colorado, as the recommendation of Montezuma County Planning Commission and requesting the adoption of such Regulations by said Board of County Commissioners.

Done and adopted at a special meeting of Montezuma County Planning Commission held this 2nd day of January, 1972.

Montezuma County Flooding Commission

By James K. Miller Chairman

By J. B. S. [Signature] Commissioner

Wayne Rogers Commissioner

Wm. F. Nielsen Commissioner

By Paul V. DeLoe Commissioner

SUBDIVISION REGULATIONS

Montezuma County, Colorado

1972

SECTION 1 TITLE, AUTHORITY, JURISDICTION, AND PURPOSES

1-1 Title and short Title

- A Title -- A resolution establishing rules, regulations and standards governing the subdivision of land within the County, setting forth the procedure to be followed by the Planning Commission in applying and administering these rules, regulations and standards, and setting forth the penalties for the violation thereof as established by the State of Colorado.
- B Short Title -- These Regulations shall be known and may be cited as "The County Subdivision Regulations of 1972, of Montezuma County."

1-2 Authority, Jurisdiction and Enforcement

- A The County is enabled by law to control the subdivision of all of the unincorporated land within the county limits by virtue of Section 106 of the Colorado Revised Statutes of 1963, as amended.
- B Colorado Revised Statutes 106-2-34, as amended.

Any person, partnership, or corporation intending to subdivide land as defined in this section 1-2 regulations shall submit plans and plats as required by and specified in these regulations to the County Planning Commission, located at: Montezuma County Courthouse.

(1) Plans and plats of proposed subdivision of land within the scope of these regulations located within the county shall be submitted to the County Planning Commission and the Board of County Commissioners for review and approval before such plans may be recorded with the County Recorder of Deeds. To ensure uniformity and environmental protection, such plans shall conform to and follow procedures and standards as specified in these regulations.

(2) Such plats shall not be filed with the County Recorder of Deed unless a notation has been made on the Record Plat by the Board of County Commissioners certifying that the Board of County Commissioners have approved the plat in accordance with these regulations.

(3) The term "Subdivision" means:

(a) A group of five or more building sites, tracts, or lots in which dwelling units are affixed to one or more of said sites, tracts or lots which are contiguous, or which were formerly part of an undivided common tract, or which are part of a common development; or

(b) A group of five or more building sites, tracts, or lots in which dwelling units are not affixed to one or more of said sites, tracts, or lots, which are contiguous or which were formerly part of an undivided common tract or which are part of a common development; or

(c) A divided or undivided tract or parcel of land which is sold or will be sold as five or more undivided interests in or to the whole tract or parcel of land. The word "lot" as used in this chapter shall include such undivided interests where sale is made in this manner.

(d) The definition shall apply to all divisions of land into five or more parcels, building sites, tracts or lots, any of which contains five acres of land or less. Tracts of more than five acres having public dedication of lands, streets, roadways and utility easements shall file a dedication plat with the required dedications. In no case shall the dedication of right-of-way for roadway be less than sixty (60) feet in width.

(4) The resubdivision of any existing lot or lots of any subdivision previously recorded with the County Recorder of Deed, or of any subdivision previously approved by the County Planning Commission or Board of County Commissioners.

(5) The term "subdivider" or "Developer" means any person, firm, partnership, joint venture, association or corporation who shall participate as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sales or lease of a subdivision.

1-3 Acceptance of Public Lands

Approval of a subdivision by the Joint Planning Commission and the Board of County Commission shall not constitute an acceptance by the Joint of the roads, streets, alleys or other public lands as indicated for dedication on the plat. The dedication of any of these lands for public use of any nature within the County shall be accepted by the Joint only by specific action of the Board of County Commissioners. (Appendix B)

1-4 Statement of Purposes

- A To assist orderly, efficient and integrated development of the County.
- B To promote the health, safety and general welfare of the residents of the County.
- C To ensure conformance of land subdivision plans with the public improvement plans of the County and its various municipalities.
- D To ensure coordination of inter-municipal public improvement plans and programs.
- E To encourage well planned subdivisions by establishing adequate standards for design and improvement.
- F To improve land records by establishing standards for surveys and plans.

- C To safeguard the interests of the public, the homeowner and the subdivider.
- H To secure equitable handling of all subdivision plans by providing uniform procedures and standards.

SECTION 2 PROCEDURES FOR SUBMISSION

2-1 Summary of Procedures

The following submission procedures shall apply:

A Preliminary Plan

Prior to preparing a Preliminary Plat for presentation to the County Planning Commission the subdivider shall make known his intentions to subdivide to the County Planning Commission and meet with the Commission for a "Pre-Plating" Conference. At such a conference the County Master Plan and regulations are to be reviewed and a general feasibility review of the subdividers plans be made. Memorandums will be prepared for the applicant and Commission of determination made.

Subdivider shall submit required Preliminary plan materials and supporting documents of a proposed subdivision to the County Planning Commission offices for approval prior to the submission of a Final Plat. Submission requirements and time required for review and notification are included in SECTION 4.

A period of twelve-months (12) from the date of approval of a Preliminary Plan is specified in which to submit a Final Plat, or the first section of said Preliminary Plat; thereafter approval of the Preliminary Plan will have expired.

B Final Plat

The Final Plat submission shall conform to the approved Preliminary Plan. A subdivider shall file a Final Plat with the County Recorder of Deeds within twenty (20) days of the date of the Board of County Commissioners resolution approving the plat; thereafter the approval will have expired.

C Conformity to these Regulations

Preliminary Plans and Final Plats shall conform to the requirements and specifications of these regulations and shall be submitted in the manner prescribed.

D Planning Commission Action

Failure by the County Planning Commission to act by recommending to the Board of County Commissioners approval, conditional approval or disapproval of a Final Plat within thirty-five (35) days of receipt of such plan or plat, shall be deemed a favorable approval by the County Planning Commission, and the subdivider may request a certificate from the Board of County Commissioners to that effect.

E. County Commissioners Action

The Board of County Commissioners shall act upon such preliminary plan within thirty-five (35) days of Planning Commission action. Failure by the Board of County Commissioners to act within thirty-five (35) days shall be deemed a favorable approval of such preliminary plan and a certificate shall be issued immediately thereafter to that effect.

After approval or conditional approval of the Final Plat by the Planning Commission, the subdivider or his agent shall appear at the next regularly scheduled meeting of the Board of County Commissioners to request review of the Final Plat. Failure of the Board to act on the application within thirty-five (35) days of such request shall be deemed a favorable approval of the Final Plat and a certificate shall be issued immediately thereafter to that effect.

F Acceptance of Street and Other Public Land Dedication

Acceptance of dedication of proposed public lands or streets or street rights of way, in any approved plat, can be made only by the Board of County Commissioners. Plat approval cannot be deemed as acceptance of dedication, where public lands or streets, roads and rights of ways are to be dedicated. Dedication certificate Appendix D is to be filled and acted upon separately by the Board of County Commissioners.

SECTION 3 PRELIMINARY PLAN3-1 Submission Requirements

Copies of all required material shall be officially submitted to the offices of the County Planning Commission (or their authorized representative) by the subdivider (or his authorized representative) for formal action at least twenty-one (21) days prior to a regularly scheduled Planning Commission meeting.

A Plan Requirements

(1) One copy of an Application for Approval (see APPENDIX A) of a Preliminary Plan and all required supporting documents.

(2) A minimum of ten (10) black on white or blue on white prints of the Preliminary Plan.

(3) One additional print is required when the property being subdivided abuts a state highway.

(4) One additional print is required when central sanitary sewage disposal system is proposed.

(5) When a proposed subdivision in the County lies wholly or partially within two miles of the corporate limits of a municipality, an additional print shall be included for each such county or municipality.

(4) Three (3) copies of the on-lot Sewage Disposal Report (APPENDIX B) shall be submitted where applicable in accordance with the requirements of these regulations.

(5) Payment of the required filing fee (SECTION 13).

(6) A receipt shall be issued for the Preliminary Plan submission to the subdivider when it has been determined that the submission includes all the requirements set forth in these regulations. The date of the Planning Commission meeting to review the plan shall be specified on the receipt.

3

Drawing Requirements

The accuracy of location of alignments, boundaries, and monuments shall be certified by a registered land surveyor licensed to do such work in the State of Colorado. A workman-like execution of the plan shall be made in every detail. A poorly drawn or illegible plan is sufficient cause for its rejection.

The following data shall be submitted as part of the Preliminary Plan submission:

(1) A vicinity sketch showing perimeter outline of the plan, accesses, abutting subdivision outlines and names, and other relevant information within a 1/2 mile distance of the perimeter of the proposed plat.

(2) A traverse map of the monumented perimeter of the subdivision. The traverse shall have an error of closure of not greater than one in 5000. Survey tie into the state grid or other permanent marker established by the County surveyor is required if practical.

(3) The existing contours at twenty (20) foot intervals shall be shown for all lands within the tract. Where special drainage problems may be evidenced, the Planning Commission may require drainage basin contours at two (2) or five (5) foot intervals and such determination shall be made at the "Pre-Plating" Conference.

(4) Lot and street layout.

(5) Dimensions of all lots to nearest foot.

(6) Total acreage of entire tract.

(7) Lot and blocks numbered consecutively.

(8) Location and identification of all existing and proposed public and private easements.

(9) Existing and proposed street names.

(10) The plan shall be drawn to a scale not less than one inch equals two hundred (200) feet, which shall indicate the true north line, name of the subdivision, T33S township, range, section and quarter section; block and lot number (of the property under consideration.)

(11) Abutting property lines and the respective owners' names.

(12) In cases of wooded areas, indicate the outline of wooded area and location of trees which are to remain. It is the intent of this requirement to determine the approximate location of trees for design evaluation rather than to require unnecessary surveying in of exact three locations.

(13) A statement that the applicant is the owner, equitable owner or authorized by the owner, in writing, to make application for the land proposed to be subdivided.

(14) Sites, if any, for multi-family dwelling, shopping centers, community facilities, industry, or other uses, exclusive of single family dwellings.

3-2

Supporting Documents Required

The following material shall accompany the Preliminary Plan and be considered a part of the submission:

A Three copies of the Sewage Disposal Report (APPENDIX B) where on-lot sewage treatment is proposed.

When on-lot water supply and/or on-lot sanitary sewage disposal is proposed for the subdivision, the County Planning Commission shall refer a copy of the Preliminary Plan to the County Department of Health for their report on the suitability of the land for the proposed facilities in relation to the existing public health standards and to the regulations contained herein.

B A location Map showing the following:

- (1) Related highway system.
- (2) Subdivision boundary lines.
- (3) Zoning districts, taxing districts and other special districts, if any.
- (4) Water courses.
- (5) Significant vegetation patterns.

C A map at a suitable scale showing the following:

- (1) Proposed future street layout in dashed line for any portion or parcel of the plan which is not being subdivided at the present time.
- (2) The approximate boundaries of areas subject to inundation or stormwater overflows of an intensity calculated to occur with a return frequency of once every hundred years.
- (3) Existing buildings, easements, powerlines, and other features located on the subdivision and within 200 feet of its boundaries.

The County Planning Commission will use the Generalized Soils Survey, as furnished by the U. S. Soil Conservation Service for a guide in determining site suitability. Commission may also request special soil or geologic studies if made in specific troublesome areas.

D. Summary Statement of Proposal

- (1) Total development area.
- (2) Total number of proposed dwelling units.
- (3) Total number of square feet of nonresidential floor space.
- (4) Total number of off street parking space, excluding those associated with single family residential development.
- (5) Estimated total number of gallons per day of water system requirements where a distribution system is proposed.
- (6) Estimated total number of gallons per day of sewage to be treated where a central sewage treatment facility is proposed, or general disposal means and suitability where no sewage treatment facility is proposed.
- (7) Estimated construction cost and proposed method of financing of the streets and related facilities, water distribution system, sewage collection system, storm drainage facilities, and such other utilities as may be necessary.

3-3

Review Procedures - Preliminary Plan

A When a Preliminary Plan has been officially submitted and received, it shall be placed on the agenda of the County Planning Commission meeting next scheduled for subdivision review, provided that a minimum of twenty-one (21) calendar days has elapsed between the submission date and the scheduled date of the meeting. This meeting shall be a public meeting. At such time comments from the general public may be heard and given due consideration.

B The County Planning Commission, or its authorized representative, shall immediately, upon the receipt of the complete submission, distribute copies of prints of the plan provided by the subdivider as follows:

- (1) To the appropriate school district.
- (2) To each city or town within a two mile radius of any portion of the proposed subdivision.
- (3) To any special district, ditch company and utility company as may be applicable.
- (4) To the U. S. Forest Service or the Colorado State Forest Service, where applicable (such as mountain subdivisions and in heavily wooded areas)
- (5) To the Colorado Highway Department where applicable.
- (6) To the Regional Planning Commission office, if any.

The above agencies and organizations shall respond to the County Planning Commission with comments within fourteen (14) days of receipt of the plan. Failure to respond within the fourteen (14) days shall constitute a waiver of any agency's right to make recommendations.

- C The County Planning Commission shall only recommend for approval those preliminary plans which the Commission finds to be developed in accordance with the intent, standards and criteria specified in these regulations.
- D Within five (5) days after review of the Preliminary Plan at the public meeting, the County Planning Commission shall send written notification to the Board of County Commissioners of its action. Notification shall include modification required, if any, to be included in the Final Plat.
- E The Board of County Commissioners shall act on the Preliminary Plan referred to them by the County Planning Commission within thirty-five (35) days of receipt of the transmittal from the County Planning Commission.

SECTION 4. FINAL PLAT

4-1 Submission Requirements

Copies of all required material shall be officially submitted to the offices of the County Planning Commission (or their authorized representative), by the subdivider (or his authorized representative).

Final Plats shall be submitted for approval within twelve-months (12) of the date a Preliminary Plan has been approved by the County Planning Commission, and at least then (10) days prior to Commission regularly scheduled meeting. No Final Plat submission can be accepted which has exceeded this time lapse period. An extension of time may be granted by the County Planning Commission upon written request. Plats submitted for which Preliminary Plan approval has been given in excess of twelve (12) months previous and for which no time extension has been granted may be considered by the County Planning Commission as a new Preliminary Plan.

A Plat Requirements

(1) The Final Plat submission shall conform in all major respects to the Preliminary Plan as previously reviewed and approved by the Board of County Commissioners and shall incorporate all modifications required in its review. The Board, however, may approve a Final Plat which has been modified to reflect improvements in design or changes which have occurred in its natural surroundings and environment since the time of the Preliminary Plan review and approval.

(2) A Final Plat may be submitted in sections covering representative and reasonable portions of the subdivision tract. In such cases submission shall include the Key Map, indicating the sections designated for the entire tract.

(3) One (1) copy of application from (APPENDIX A) for review of a Final Plat and all required supporting documents.

(4) Seven (7) black on white or blue on white prints of the Final Plat.

(5) A receipt shall be issued for the Final Plat submission to the subdivider (or his authorized representative) when it has been determined that the submission includes all the requirements set forth in these regulations.

B

Drawing Requirements

The Final Plat drawing shall comply with the following standards:

- (1) The plat shall be prepared and certification made as to its accuracy by a registered land surveyor licensed to do such work according to the State of Colorado. A workman-like execution of the plat shall be made in every detail. A poorly drawn or illegible plat is sufficient cause for its rejection.
- (2) There shall be one copy of the plat delineated in India Ink on waterproof tracing cloth, mylar or other permanent type material that is reproducible. Copies for permanent filing with the Planning Commission, Board of County Commissioners and other agencies shall be either blue or black line reproductions with the supporting certificates signed in original for each copy. The size of the plat shall be:

twenty-three (23) inches by twenty-seven (27) inches.
- (3) The point of beginning shall be indicated and its proper reference to the monumented perimeter survey shall be delineated on the drawing.
- (4) All bearings and distances of boundary lines shall be indicated outside the boundary line, not inside with the lot dimensions, and all dimensions necessary to establish the boundaries in the field shall be shown. Also such other survey requirements as may be applicable and cited in CRS (1953, 136-2 as amended. When the plat is bounded by an irregular shore line or a body of water, the bearings and distances of a closing intermediate traverse should be given and a notation made that the plat includes all land to the water's edge or otherwise.
- (5) If a plat is revised, a copy of the old plat shall be provided for comparison purposes.
- (6) All blocks, and all lots within each block, shall be consecutively numbered.
- (7) On curved boundaries and all curves on the plat, sufficient data should be given to enable the re-establishment of the curves. This curve data should include the following:
 - (a) Points of curvature
 - (b) Points of tangency
 - (c) Tangent distance
 - (d) Radius of curve

- (e) Arc Length
- (f) Angle or curve by arc definition
- (8) Excepted parcels shall be marked "Not included in this plat" and the boundary completely indicated by bearings and distances.
- (9) All streets, walkways and alleys shall be designated as such and named; bearings and dimensions must be given.
- (10) All easements shall be designated as such and bearings and dimensions given.
- (11) All lands within the boundaries of the plat shall be accounted for either by lots, walkways, streets, alleys or excepted parcels.
- (12) All dimensions of irregularly shaped lots shall be indicated in each lot.
- (13) Bearings shall be given for all lot lines, except that bearings need not be given for interior lot lines where the bearings are the same as those of both exterior lot lines.
- (14) Parcels not contiguous shall not be included in one plat, nor shall more than one plat be made on the same sheet. Contiguous parcels owned by different parties may be embraced in one plat, provided that all owners join in the dedication and acknowledgement.
- (15) Other information on the plat shall include:
 - (a) Name of subdivision, true north line, and date.
 - (b) Name and address of owner or owners of record.
 - (c) Total acreage of tract and total number of lots.
 - (d) Township, Range, Section and Quarter Section, block and lot numbers.
 - (e) Graphic scale.
- (16) Permanent reference monuments shall be located and set in compliance with CRS 136-2-1, as amended except that there shall be at least one permanent monument located no more than twelve-hundred (1200) feet apart along any straight boundary line.

There shall also be one reference monument located at each street intersection. Monuments shall be of same type as mentioned above and shall be set at a depth below the finished grade of the street to afford protection of the monument during normal grading operations.
- (17) The surveyor making a plat shall certify on the plat that it is correct and that the monuments described in it have been placed as described. He shall affix his name and seal.

(14) All utilities, and easements shall be shown on the final plat along with a suitable certificate from utility companies showing their approval.

A-2

Converting Do's to D's

The following documents shall be submitted with the Final Plat drawing and be considered a part of the Final Plat submission:

A

Drawings showing layout of the following:

- (1) Profile and typical cross section drawings of roads and bridges;
- (2) Grading and drainage plan. Such contours shall be at twenty (20) foot intervals. The Planning Commission may in special cases may require contours of ten (2) or five (5) foot intervals to be determined at the "Pre-Noting" Conference.

These drawings shall be prepared by a registered land surveyor, as required by the laws of the State of Colorado, who is licensed to do such work in the State of Colorado.

B

The subdivider shall furnish the Planning Commission a certificate from a Title Insurance Company or an Attorney's Opinion showing that names of owners of the property covered are listed as well as a list of all mortgages, judgments, liens, easements, contracts or agreements of record in the County, which claim effect the property covered, on each plat. All parties with interests of record may be required to join in and approve the application for subdivision before the plat shall be set on by the County Planning Commission.

C

A 14" by 14" showing catch-lines when two or more sheets are necessary to include the subdivision in the plat. The 14" by 14" sheet shall be of the same size and material as the Final Plat.

D

Where a portion of an existing easement is contiguous to a proposed easement of right-of-way of a new subdivision, proof of the dedication of the existing easement or right-of-way acceptable to the County Planning Commission must be submitted when requested.

E

Where the subdivider is to dedicate land for roads, parks, or other public purposes, a certification of dedication must be approved by the Board of County Commissioners. (APPENDIX B)

F

Subdivision Improvement Agreement (see SECTION 9 and APPENDIX C).

G

When a new street will intersect with a state highway, a copy of the state highway permit shall be submitted.

H

Summary Statement of Proposal

- (1) Total development area.
- (2) Total number of proposed dwelling units.
- (3) Total number of square feet of nonresidential floor space.
- (4) Total number of off street parking spaces, including those associated with single family residential development.

- (5) Estimated total number of gallons per day of water system requirements where a distribution system is proposed.
- (6) Estimated total number of gallons per day of sewage to be treated where a central sewage treatment facility is proposed, or general disposal means and suitability where no sewage treatment facility is proposed.
- (7) Estimated construction cost and proposed method of financing of the streets and related facilities, water distribution system, sewage collection system, storm drainage facilities, and such other utilities as may be necessary. If improvements are not to be completed prior to approval of the Final Plat, the cost estimates included in this statement shall be identical to those included in the improvement agreement.
- (8) Copies of deed restrictions, including those required by the County, to govern the future use of each lot and any common land with regard to the future construction of water or sewer system, resubdivision, and other potential changes which might significantly alter the subdivision as approved by the County with regard to the criteria and standards of these regulations.

Review Procedures - Final Plat

When a Final Plat has been received it shall be reviewed at the meeting next scheduled for subdivision review by The Planning Commission provided that a minimum of ten (10) calendar days has elapsed between the submission date and the scheduled date of the meeting.

County Planning Commission Review

The County Planning Commission shall review the Final Plat at a regularly scheduled public meeting. The Commission may require or recommend changes or modifications to the Final Plat in the public interests. If the Final Plat and all supplementary data complies with the applicable requirements of these regulations, the County Planning Commission shall endorse the plat as follows: "Reviewed and recommended to be approved (or reviewed and recommended to be conditionally approved as noted) by the County Planning Commission" . . . and date of action.

Within five (5) days after review of the Final Plat at the public meeting, the County Planning Commission shall send written notification of its Review to the Board of County Commissioners. Required modification to the Final Plat, if any, shall be noted on three (3) prints of the plat; one copy to be transmitted to the Board of County Commissioners, one copy to be retained in the Planning Commission files, and one copy to be transmitted to the subdivider.

The only basis for rejection of a plat shall be its non-conformance to adopted rules, regulations and ordinances currently in force and affecting the land and its development in the county, and its lack of conformance with approved Preliminary Plan.

B

Board of County Commissioners Review

The Board of County Commissioners shall review the Final Plat within thirty-five (35) days of receipt of transmittal from the Planning Commission at a regularly scheduled public meeting. If the Board determines that the Final Plat submission complies with the applicable requirements of these regulations, they shall endorse the plat as follows:

Reviewed and approved (or approved conditionally as noted)
by the Lontezuma County Board of County Commissioners.

Chairman

Date _____ Commissioner

Commissioner

ATTEST:

County Clerk and Recorder

C

The approved plats or prints marked for modification, together with the official notification of the action shall be distributed as follows:

- (1) One copy to County Planning Commission files.
- (2) One copy to Board of County Commissioners files.
- (3) One copy to Subdivider.
- (4) One copy to Engineer or Surveyor of the subdivider.
- (5) One copy to the Regional Planning Commission.
- (6) One copy to Colorado Land Use Commission together with supporting materials submitted pursuant to Section 4-2, H.

D

Recording Final Plat

(1) The subdivider or his agent shall record the Final Plat with the County Recorder of Deeds within twenty (20) working days of approval of the Final Plat by the Board of County Commissioners.

(2) The County Recorder of Deeds shall furnish the subdivider with a receipt for the Final Plat upon filing of the Final Plat.

4-4

Resubdivision Procedure

A

Resubdivision of land or changes to a recorded plat shall be considered a subdivision and it shall comply with these regulations with the following exceptions:

(1) Lot lines may be revised from those shown on the recorded plat provided that in making such changes:

- (a) No lot or parcel of land shall be created or sold that is less than the minimum requirements for area of dimension as established by these regulations or other applicable regulations or ordinances;

(b) Drainage easements or rights-of-way reserved for drainage shall not be changed;

(c) Street locations and street rights-of-way shall not be changed; and

(d) The plat shall not be altered in any way which will adversely affect the character of the plat filed.

(2) If it is discovered that there is an engineering or survey error in a recorded final plat, the subdivider shall be required to file a corrected final plat which shall be approved by the Planning Commission and the Board of County Commissioners. If, however, the correction of the error results in such major alterations that the corrected plat no longer meets the design standards and criteria of these regulations, then the corrected plat shall require full approval procedures.

B A copy of all Final Plat revisions shall be submitted to the County Planning Commission and the Board of County Commissioners for their review.

C Where the resubdivision complies with the appropriate requirements of these regulations, a Record Plat indicating the resubdivision shall be submitted to the County Planning Commission and the Board of County Commissioners for their endorsements, prior to the filing of such plat with the County Recorder of Deeds. Such plats shall specifically indicate the revisions being made compared to the previously recorded plat.

SECTION 5 CONFORMANCE WITH EXISTING LAWS

Land shall be subdivided in conformance with The Master Plan, zoning ordinance, and other ordinances and regulations in effect in the County. In the absence of such Plans and/or ordinances these regulations are not to be construed as a substitute for such Plans and/or ordinances: however unzoned and unregulated areas may be subdivided and plats filed so long as they conform to these regulations. In such cases the Planning Commissions and County Commissioners shall consider the following criteria. These criteria shall also apply to subdividers within a PUD zoned area of a county with Zoning Ordinance.

Planned Unit Developments

Planned Unit Developments shall meet the following criteria:

(1) The design shall meet all the design criteria for road design, drainage, sewage, and water as set forth elsewhere in these regulations.

(2) The PUD design shall specify that the common area shall be a part of the overall area covered by the Parking Plan.

(a) That each parcel within the area shall be deeded as a unit granting to the parcel owner a proportionate undivided interest in the common area in perpetuity with a deed restriction against future residential, commercial or industrial development.

- (b) There shall be a plan, which shall also be a deed restriction by covenant or otherwise, in perpetuity, binding the unit owners to a method of maintenance of the common area.

SECTION 6 DESIGN STANDARDS

All subdivisions approved by the County must comply with the following standards.

6-1 General Standards

- A The design and development of subdivisions shall preserve, insofar as it is possible, the natural terrain, natural drainage, existing top soil, and trees.
- B Land subject to hazardous conditions such as flooding, open quarries, earth slides, rock falls, or other geologic conditions causing a hazard, and polluted or non-potable water supply shall not be subdivided until the hazards have been eliminated or will be eliminated by the subdivision and construction plans.

C Lots

- (1) Lot dimensions and sizes shall excluded street right-of-way.

The following lot area shall apply:

- (a) Lots under 3 acres shall be served by a central water and sewer system except that an approved cistern may be used for an onsite water system. Maximum lot length shall not exceed 2.5 times the width. The Planning Commission should consider for variance to this section, recommendations from the County Health Department, special soil and density situations, and special equipment to be used.
- (b) No lot shall be less than 9,000 square feet in area;
- (2) Each lot shall abut a public dedicated roadway or street.
- (3) Lots with double frontage shall be avoided, except where essential to provide separation from major arterials or incompatible land uses.
- (4) Side lot lines shall be substantially at right angles or radial to street lines.
- (5) In the case of wedge-shaped lots, no lot shall be less than fifty (50) feet in width at the front property lines.

6-2 Streets

A Street Requirements

- (1) Street Plans. The street or roadway layout shall conform to the street and road plan of Montezuma County. Streets shall be aligned to join with planned or existing streets as nearly as practical.

(2) Street shall be designed to bear a logical relationship to the topography.

(3) Whenever streets are not aligned, off-sets shall be at least one hundred fifty (150) feet., centerline to centerline.

(4) Through Traffic. Local streets shall be laid out to discourage through traffic.

(5) Intersections. Intersections of local streets with major streets shall be kept to the minimum.

(6) Intersections shall be as nearly at right angles as possible with no intersections designed at an angle of less than 90 degrees.

(7) Cul de sac streets shall be permitted, provided they are not more than six hundred sixty (660) feet in length and have turnaround diameter of at least one-hundred (100) feet. The drainage should be toward the intersecting street or a drainage easement shall be required.

(8) Dead-end streets with exceptions of cul de sacs, shall be prohibited unless they are designed to connect with future streets in adjacent land, in which case a temporary turnaround easement may be permitted if written agreement is obtained from the adjoining landowner.

(9) Right-of-Way Width. Streets shall have the following minimum right-of-way widths:

(a) Major highway - a minimum of one hundred (100) feet, or as required by state and federal standards.

(b) Collector street - sixty (60) feet.

(c) Local street and service road - fifty (50) feet.

(10) Roadway Width. Streets shall have the following roadway widths:

(a) Major highway - a minimum of sixty-four (64) feet, or as required by state and federal standards.

(b) Collector street - forty-four (44) feet.

(c) Local street or service road - thirty-four (34) feet.

(11) Street right-of-way width and street width and standards of construction shall conform to the standards in effect for the adjacent municipality when the subdivision lies within two miles of said municipality.

(12) Half Streets. Half streets shall not be permitted, except when required to complete a half street already in existence.

B Street Names. Streets shall have the names of existing streets which are in alignment in the county or in an adjoining county or municipality. There shall be no duplication of street names within the area.

C Frontage of Major Highways. Where a residential subdivision abuts a major highway, service roads may be required.

D Roadbed Construction Standards for Roadways.

(1) All streets dedicated for public use shall meet the standards and quality of construction required by the County Road Department.

6-3 Sidewalks. All sidewalks shall be a minimum of 4' width and 4" thickness on an approved base.

6-4 Block Standards and Walks

A Block Standards. Block lengths shall be reasonable in length, not less than three hundred (300) feet or more than one thousand (1000) feet, and the total design provide for convenient access and circulation for emergency vehicles.

6-5 Easement Standards

A Easements shall follow rear and side lot lines wherever practical and shall have a minimum total width of twenty (20) feet apportioned equally in abutting properties. They shall be designed so as to provide efficient installation of utilities. Special guying easements at corners may be required. Public utility installations shall be so located as to permit multiple installations within the easements.

6-6 Alleys

A Service access to the interior of blocks may be permitted in certain instances, in which case such alleys must be indicated in the plan and plat.

6-7 Driveways

A Driveways shall not be permitted to have direct access to major highways.

6-8 Sanitary Sewage Disposal

A General Requirements. In all new subdivisions all lots or parcels which are not to be connected to a public or community sanitary sewage system shall be provided with an on-lot sewage disposal system prior to the occupancy of, or use of buildings constructed thereon. In order to determine the adequacy of the soil involved to properly absorb subsurface sewage effluent and to determine by minimum lot area required for such installations, soil percolation tests shall be performed. The results of these tests will be reviewed by the County Planning Commission and by the county or district department of Health to determine the general suitability of the soil for on-lot disposal systems. The following general standards shall be met:

(1) Percolation tests must be supervised and certified by a registered professional engineer or by a qualified sanitarian.

(2) Other applicable standards adopted by the County Commissioners or county, or district health department.

2

Sanitary Sewer Mains, Laterals and House Connections

Where local, county, and regional master plans indicate that construction or extension of sanitary sewers may serve the subdivision area within a reasonable time, the County may require the installation and capping of sanitary sewer mains and house connections in addition to the installation of temporary individual on-lot sanitary disposal systems.

Responsibility for the design and supervision of installation of all capped sewers, laterals, and house connections shall be that of the county. Whenever individual on-lot sanitary sewage disposal systems are proposed the subdivider shall either install such facilities, or require by deed restrictions or otherwise as a condition of the sale of each lot or parcel within such subdivision that the on-lot sanitary sewage disposal facilities be installed by the purchaser of said lot at the time that the principal building is constructed. In all other cases sanitary sewage disposal facilities shall be provided for every lot or parcel by a complete community or public sanitary system.

3

Test Procedures

Test procedures shall be conducted in accordance with U. S. Public Health Service Publication Number 526, 1963 Edition, and its amendments and other county requirements.

6-9

Water Supply

(a) An adequate supply of potable water shall be available to each lot for the proposed subdivision. Design and installation of all systems shall be the responsibility of the subdivider with all plans subject to approval of the Board of County Commissioners through their designated representatives and the State of Colorado Department of Public Health. All water system improvements, with the exception of individual wells or cisterns proposed on each lot, shall be the responsibility of the subdivider.

(b) Where a community water system is to be utilized as a source of water, a description of the entity, legally organized and licensed to administer the system shall be provided.

6-10

Complete drainage systems for the entire subdivision area shall be designed by a professional engineer, licensed in the State of Colorado and qualified to perform such work and shall be shown graphically. All existing drainage features, which are to be incorporated in the design shall be so identified. If the Final Plat is to be presented in sections, a general drainage plan for the entire area shall be presented with the first section and appropriate development stages for the drainage system for each section shall be indicated.

- F A Drainage System shall be designed:
- (1) To permit the unimpeded flow of natural water courses.
 - (2) To ensure adequate drainage of all low points.
- G The drainage system shall be designed to consider the drainage basin as a whole and shall accommodate not only run-off from the subdivision area but also, where applicable, the system shall be designed to accommodate the runoff from those areas adjacent to and "upstream" from the subdivision itself.
- H All proposed surface drainage structures shall be indicated.
- I All appropriate designs, details, and dimensions necessary to clearly explain proposed construction materials and elevations shall be included in the drainage plans.
- 6-11 Subdividing or Planning all of Parcel
- Where an entire parcel is not subdivided, the subdivider must indicate his intended plans for disposition of the remainder of the parcel.
- 6-12 Public Sites and Open Spaces
- The County Planning Commission and the Board of County Commissioners, upon consideration of county circulation and facilities and the particular type of development proposed in the subdivision, may require the dedication of areas of sites of a character, extent and location suitable for public use for schools, parks, greenbelts, or other necessary public purposes (other than subdivision streets) according to one of the following alternatives:
- (1) Five percent (5%) of the total area of the subdivision may be dedicated to a public agency for one or more essential public purposes. Any area so dedicated will be maintained by the County.
 - (2) Five percent (5%) of the total area of the subdivision may be reserved through deed restrictions as open areas, the maintenance of which shall be ensured by specific obligations in the deed of each lot within the subdivision.
 - (3) As an alternative to the dedication or reservation of land the subdivider may be required to contribute to the county a sum equal to a percent of the market value of the total area being subdivided prior to subdivision or to the construction of improvements related to the subdivision. Such funds collected shall be placed in a Trust Fund for acquisition of land or facilities for public use such as parklands, open-space lands, school lands, greenbelt lands, or such other environmental purposes deemed necessary for the subdivision and nearby subdivision. Such Trust Funds to be administered by the Montezuma County Board of Commissioners.

SECTION 7 MOUNTAIN SUBDIVISIONS

In those sections of the county where significant undulating terrain is encountered, the County Planning Commission may classify the subdivision as a Mountain Subdivision. Such determination shall be made at the "Fire-Fighting" Conference.

Local mountain roads shall have a fifty (50) foot minimum deeded right-of-way and a minimum usable road surface of twenty-four (24) feet. Collector streets in mountain subdivisions shall have a minimum right-of-way of sixty (60) feet and a usable road surface of at least thirty-four (34) feet. All cut areas to be back sloped at no less than 2 to 1 slope, and all roads shall be ditched to minimum width of five (5) feet.

- E Proper ditches for drainage and necessary culverts as approved by the county engineer or a professional engineer employed or contracted by the county.
- F Grades shall not exceed eight percent (8%) except as Road Department may be otherwise directed by the county. The maximum permissible grade shall be ten percent (10%).
- G To provide for the safety and general well-being of the residents of the subdivision and the public in general where the danger of flooding, fire, slides and other emergency conditions may exist, the Planning Commission may require two or more routes of ingress and egress.

7-2

Review Procedures

Recommendations from the following agencies shall be considered by the Planning Commission in any decision to allow residential development and/or subdivisions where substantial portion of the topography is thirty (30) percent or greater.

- (a) The County Health Department
- (b) The County Engineering Department
- (c) The Colorado Water Pollution Control Commission
- (d) The Colorado State and U. S. Forest Service
- (e) A qualified Engineering Geologist registered as a professional engineer in the State of Colorado.

In the absence of planning and zoning, the above recommendations shall specifically include recommended dwelling unit densities appropriate to the capabilities of the area and the proposed water and sewer systems.

The determination of such thirty (30) percent slope in any mountain subdivision shall be by reference to United States Geological Survey 7.5 minute topographic quadrangle maps as a criteria or a similar topographical survey furnished by a registered land surveyor.

8-1 General Requirements

A The following improvements shall be constructed at the expense of the subdivider as stipulated in the Subdivision Improvement Agreement (APPENDIX C) in a manner approved by the County Planning Commission which is consistent with sound construction and local practice. Where specific requirements are spelled out in other sections of these regulations, they shall apply:

- (1) Road, grading and surfacing
- (2) Curbs, if required
- (3) Sidewalks, if required
- (4) Sanitary sewer laterals where required
- (5) Storm sewers or storm drainage system, as required
- (6) Water distribution system, where applicable
- (7) A permanent type street sign approved by the County Planning Commission shall be installed at all street intersections.
- (8) Permanent reference monuments
- (9) The subdivider shall make necessary arrangements, including any construction or installation charges to extend proposed utilities to be available to the subdivision such as electricity, telephone, gas or water service to each lot of the subdivision. Proper evidence of such satisfactory arrangements shall be supplied as a part of the plat filing.
- (10) Other facilities as may be specified or required in these regulations, or by the County Planning Commission.

SECTION 9 IMPROVEMENTS AGREEMENT

9-1 Contract

No Final Plat shall be approved by the Court, until the subdivider has submitted a Subdivision Improvement Agreement (APPENDIX C). The Planning Commission may submit the estimates of the Subdivider Improvement Agreement to qualified engineers or contractors for verification of the estimate amounts. The Planning Commission must approve the Subdivision Improvement Agreement before a final plat is approved.⁵

9-2 Approval of Guarantee

A bond, credit deposit letter, certified check or other suitable collateral in an amount stipulated in the Subdivision Improvement Agreement and in a form determined by the county to guarantee the performance of the above agreement or contract and to secure the completion of the above improvements in accordance with the design specifications and within the time specified shall accompany the final plat submission. Except where roads, utilities or other improvements shall be constructed by an Improvement District or Home Owners Association, in which event, evidence of the formation of the

district or association to provide such improvements in accordance with the Improvement Agreement shall be submitted. Where the improvements have not been constructed in accordance with the requirements and specifications, the county shall withdraw adequate funds from the bond or collateral deposit needed to rectify the situation.

9-3

Release of Guarantee

From time to time as the required improvements in a subdivision are completed, the subdivider shall apply in writing to the County for a partial or full release of the bond, credit deposit letter, certified check, or other collateral. Upon receipt of such application in writing, the County or its agent shall inspect that portion of the improvement which has been completed. If the County determines from such inspection that the improvements thus far completed have been made in accordance with the Final Plat and the requirements of these regulations, a portion of the bond, credit deposit letter, certified check, or other collateral sufficient to cover the cost of the improvements thus far completed shall be released. A twenty-five (25.00) dollar fee shall be paid to the County for each release inspection.

SECTION 10 VARIANCES

(1) UNUSUAL CONDITIONS. The County Planning Commission may authorize variances from these regulations in cases where, due to exceptional topographical conditions or other unusual conditions peculiar to the site, and an unnecessary hardship placed on the subdivider. Such variance shall not be granted if it would be detrimental to the public good or impair the intent and purposes of this resolution. The conditions of any variance authorized shall be stated in writing in the minutes of the County Planning Commission, with the justifications set forth.

(2) PLANNED UNIT DEVELOPMENT (PUD). These regulations may be modified by the County Planning Commission in the case of a plan for an entire neighborhood, community or town with a development and building program that, in the judgement of the County Planning Commission, provides adequate open spaces, traffic circulation and service needs of the tract when fully developed and populated. Variances may be granted subject to the approval of the site plan. Covenants, restrictions financial guarantees and other legal assurances to guarantee that the plan will be followed and developed shall accompany the plat.

SECTION 11 VIOLATIONS AND PENALTIES

Whoever, being the owner, or agent of the owner, of any land located within a subdivision transfers or sells or agrees to sell or negotiates to sell any land by reference to or exhibition of or by use of a plan or plat of a subdivision before such plan or plat has been approved by any such planning commission and recorded or filed in the office of the County Recorder, shall forfeit and pay a penalty of five hundred dollars (\$500.00) each lot or parcel so transferred or sold or agreed or negotiated to be sold. Each day of violation shall constitute a separate offense. The description of such lot or parcel by metes or bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies provided in this section. The county may enjoin such

transfer sale or agreement by action to a junction brought in any court of equity jurisdiction and may recover the said penalty by civil action in any court of competent jurisdiction. (C.R.S. 106-2-9 (4)).

SECTION 12 VALIDITY

If any section, subsection, paragraph, clause, phrase, or provision of these regulations shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of these regulations as a whole or any part of provision hereof, other than the part so adjudged to be invalid or unconstitutional.

SECTION 13 SCHEDULE OF FEES

To defray a portion of the expense of subdivision review, the following schedule of fees for review and supervision shall apply.

\$50.00 for first 20 acres and \$50.00 for each additional 20 acres plotted, up to a maximum filing fee of two-hundred fifty (\$250.00) dollars.

SECTION 15 DEFINITIONS

1. COMPREHENSIVE PLAN. A comprehensive plan for the future growth, protection, and development of the municipality, affording adequate facilities for housing, transportation, comfort, convenience, public health, safety, and general welfare of its population.
2. CROSSWALK OR WALKWAY. A right-of-way dedicated to public use, to facilitate pedestrian access through a subdivision block.
3. DWELLING UNIT. Any structure or part thereof, designed to be occupied as the living quarters of a single family or housekeeping unit.
4. EASEMENT. A right to land generally established in a real estate deed to permit the use of land by the public, a corporation, or particular persons for specified uses.
5. IMPROVEMENTS AGREEMENT GUARANTEE. Any security which may be accepted by the Planning Commission in lieu of a requirement that certain improvements be made by the subdivider before the plat is approved, including performance bonds, escrow agreements, and other similar collateral or surety agreements.
6. LATERAL SEWER. A sewer which discharges into another sewer and has only building sewers tributary to it.
7. LOT. The unit into which land is divided on a subdivision plat or deed, with the intention of offering each unit for sale, lease or separate use, either as an undeveloped or developed site, regardless of how it is conveyed. Lot shall also mean parcel, plot, site, or any similar term.
8. MULTI-FAMILY DWELLING. A building providing separate dwelling units for two or more families.
9. MUNICIPALITY. Includes an incorporated city or town.

10. OFFICIAL MAP. The official map as adopted by a county or municipality.
11. CURB-STREET PARKING SPACE. The space required to park one passenger vehicle which space shall be not less than 200 sq. ft. in area, exclusive of access drives.
12. PERMANENT MONUMENT. Any structure of masonry or steel permanently placed on or in the ground, including those expressly placed for surveying reference.
13. PLAN, PRELIMINARY. The preliminary map or maps of a proposed subdivision, drawn and submitted in accordance with the requirements of these regulations.
14. PLAT. A "plat" as used in these regulations shall be map of certain described land prepared as an instrument for recording of real estate interests with the County Recorder of Deeds.
15. REVERSE FRONTAGE LOTS. Lots which front on one public street and back on another.
16. ROADWAY. That portion of the street right-of-way designed for vehicular traffic.
17. STREET. Any street, avenue, boulevard, road, lane, parkway, viaduct, alley, or other way for the movement of vehicular traffic which is an existing state, county or municipal roadway, or a street or way shown upon a plat, heretofore approved, pursuant to law or approved by official action; and includes the land between street lines, whether improved or unimproved, and any cornice payment, shoulders, gutters, sidewalks, parking areas and other areas within the right-of-way. For the purpose of this ordinance streets shall be classified as defined in subsection (a) through (d):
 - (a) MAJOR HIGHWAY. A major regional highway including an expressway, freeway or interstate highway designed to carry vehicular traffic.
 - (1) into, out of, or through the regional area (intra-regional)
 - (2) from one political subdivision of the region to another or from an intra-regional highway (intra-regional)
 - (b) MAJOR STREET. A street or road designed to carry vehicular traffic from one part of a political subdivision to another part of that same political subdivision.
 - (c) COLLECTOR STREET. A street or road designed to carry vehicular traffic from one or more residential or non-residential areas to or from a major street or major highway.
 - (d) LOCAL STREET. A street or road designed to carry vehicular traffic from one or more individual residential or non-residential units to or from a collector street.

(e) **ALLEY.** A minor way which is used primarily for vehicular services access to the rear or side of properties otherwise abutting on a street.

(f) **CUL-DE-SAC.** A short dead-end street terminating in a vehicular turn around area.

(g) **HALF STREET.** A street parallel and contiguous to a property line and of lesser right-of-way width than is required from minor or major street.

(h) **SERVICE ROAD.** A street or road paralleling and abutting major streets to provide access to adjacent property so that each adjacent lot will not have direct access to the major street.

(i) **STUB STREET.** A street or road extending from within a subdivision boundary and terminating there with no permanent vehicular turn around. Stub streets are provided to permit adjacent undeveloped parcels of land to be developed later with an adjacent connecting street system.

19. **STREET RIGHT-OF-WAY.** The portion of land dedicated to public use for street or utility purposes.

20. RULES OF CONSTRUCTION OF LANGUAGE

(1) The particular controls the general

(2) In case of any difference of meaning or implication between the text of this Resolution and the captions for each Section, the text shall control.

(3) The Word "shall" is always mandatory and not directory, the word "may" is permissive.

(4) Words used in the present tense include the future, unless the context clearly indicates the contrary.

(5) Words used in the singular number include the plural, and words used in the plural number include the singular, unless the context clearly indicates the contrary.

SECTION 16 OTHER ADMINISTRATIVE PROVISIONS

INTERPRETATION

In the interpretation and application of the provisions of this Resolution, the following regulations shall govern:

(1) **Provisions are Minimum Requirements:** In their interpretation and application, the provisions of the Resolution shall be regarded as the minimum requirements for the protection of the public health, safety, comfort, morals, convenience, prosperity and welfare. This Resolution shall therefore be regarded as remedial, and shall be liberally construed to further its underlying purposes.

(2) Application or Overlapping Regulation: Whenever both a provision of this Resolution, or any provision in any other law, ordinance, resolution, rule or regulation of any kind, contain any restrictions covering any of the same subject matter, whichever restrictions are more restrictive or impose higher standards or requirements shall govern.

(3) Existing Permits and Private Agreements: This Resolution is not intended to abrogate or annul:

(a) Any permits issued before the effective date of this Resolution; or

(b) Any easement, covenant or any other private agreement.

AMENDMENT

The Board of County Commissioners on the recommendation of the County Planning Commission may amend the requirements of these regulations after giving public notice of any such proposed amendment and after holding a public hearing thereon, provided that should any state law be enacted affecting the areas regulated herein, such amendment or change shall be deemed incorporated herein.

SEPARABILITY

It is hereby declared to be the legislative intent that the several provisions of this Resolution shall be severable, in accordance with the provisions set forth below:

(1) If any Provision Is Declared Invalid: If any provision of this Resolution is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the legislative intent that:

(a) The effect of such decision shall be limited to that provision or provisions which are expressly stated in the decision to be invalid; and

(b) Such decision shall not affect, impair or nullify this Resolution as a whole or any other part thereof, but the rest of this Resolution shall continue in full force and effect.

(2) If the application of any provision of this Resolution to any tract of land is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the legislative intent that:

(a) The effect of such decision shall be limited to that tract of land immediately involved in the controversy, action or proceeding in which the judgment or decree of invalidity was rendered; and

(b) Such decision shall not affect, impair or nullify this Resolution as a whole or the application of any provision thereof, to any other tract of land.

All resolutions of Montezuma County Commissioner inconsistent herewith to the extent of such inconsistency, and no further, are hereby repealed.

APPENDIX A
APPLICATION FORMS

Additional copies may be obtained
from the County Planning Commission
offices,

APPLICATION FOR SUBDIVISION APPROVAL

MONTEZUMA COUNTY PLANNING COMMISSION

Preliminary Plan

File No. _____

Check One

Final Plat

Date of Application _____

Name of Subdivision _____

If a Final Plat, indicate:

Section Number, if any _____

Date of Preliminary Plan Approval _____

Location _____

Owner _____

Address _____ Telephone _____

Applicant _____

Address _____ Telephone _____

Licensed Land Surveyor or Qualified Sanitarian _____

Address _____ Telephone _____

Existing Zoning _____

Number of lots _____ Total Acreage _____

Minimum lot size _____

Lineal Feet of New Streets _____

Water Supply: Public System _____ On-Lot System _____

Sewage System: Public System _____ On-Lot System _____

Average Sale price of houses to be built _____

REMARKS:

Signature of Owner of Applicant

APPENDIX B

SEWAGE DISPOSAL REPORT

SEWAGE DISPOSAL REPORT FORM

MONTEZUMA COUNTY PLANNING COMMISSION

File No._____
Date Received

The following information is required for all subdivisions where on-lot disposal systems are planned. Three (3) completed copies of this form shall be included with the preliminary plan submission, where required.

Subdivision Name _____

Subdivider _____

Address _____ Telephone _____

Total area of Subdivision _____ sq. ft.

Typical Lot Area _____ sq. ft.

Provide information and data on sub soil conditions for the subdivision area:

Provide information and data on water table elevations for the subdivison area:

REMARKS:

SEWAGE DISPOSAL REPORT
(Continued)

MONTEZUMA COUNTY PLANNING COMMISSION

Soil Percolation Test Report

Test Hole	Time	Depth of Water	Drop	Comments
No.				
Depth				
Soil Type				
Rate of fall				
Min./in.				
No.				
Depth				
Soil Type				
Rate of fall				
Min./in.				
No.				
Depth				
Soil Type				
Rate of fall				
Min./in.				
No.				
Depth				
Soil Type				
Rate of fall				
Min./in.				

SEWAGE DISPOSAL REPORT
(Continued)

MONTEZUMA COUNTY PLANNING COMMISSION

I hereby certify that the attached information in this Sewage Disposal Report is true and correct and that these tests have been made under supervision by _____ in accordance with the procedures required by these regulations.

Licensed Land Surveyor or
Qualified Sanitarian

(seal)

Date

Signature of Subdivider

Date

MONTEZUMA COUNTY PLANNING COMMISSION

ANALYSIS OF SUBDIVISION SEWAGE DISPOSAL REPORT
(By _____)

_____ Suitable for the use of individual septic tank system provided that:

1. The design of the subdivision provides for each building lot a sub-surface disposal field having a gross area of at least _____ square feet per bedroom.
2. The tract, or portions of the tract designated, conforms to the following conditions:

_____ Unsuitable for use of individual septic tank systems for the following reasons: _____

_____ Suggested alternate method of sewage disposal: _____

_____ Department of Health

Reviewing Office _____ Date _____

It is understood that the conclusions rendered on this report do not cover the installation of the individual septic tank systems. The design, construction and installation of each facility should be based upon specific conditions affecting each building lot.

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APPENDIX C

SUBDIVISION IMPROVEMENTS AGREEMENT FORM

MONTEZUMA COUNTY PLANNING COMMISSION

Prior to the County Planning Commission's endorsement of the Final Plat of any subdivision, a duplicate original of this type of agreement must be with the County Planning Commission. A signed copy of such an agreement must also be filed with the County (including a performance guarantee in a form satisfactory to the County solicitor, equal to the amount of the total estimated improvements).

SUBDIVISION IMPROVEMENTS AGREEMENT

In re: _____

Name of Subdivision	Location
---------------------	----------

Thereafter to be so bound, the undersigned subdivider hereby agrees to provide throughout this subdivision and as shown on the subdivision plat of _____, dated _____, 19____, the following county improvements.

Improvements	Unit	Estimated Construction Cost	Construction Completion Date
Street grading			
Street base			
Street paving			
Curbs			
Sidewalks			
Storm Sewer Facilities			
Sanitary Sewers			
Trunk Lines			
Mains			
Laterals or House Connections			
On-site Sewage Facilities			
Water Mains			
On-site Water Supply			
Fire Hydrants			
Street Monuments			
Street Lights			
Street Names Signs			
SUBTOTAL			

Supervision of all installations
(should normally not exceed 4% of subtotal)

TOTAL ESTIMATED COST OF IMPROVEMENTS AND SUPERVISION _____

SUBDIVISION IMPROVEMENTS AGREEMENT
(Continued)

The above improvements shall be constructed in accordance with all County requirements and specifications, and conformance with this provision shall be determined solely by the below-named County or its duly authorized agent.

The improvements shall be constructed in accordance with the time schedules shown above.

Signature of Subdivider
(If corporation, to be signed by President and
attested by Secretary, together with the
corporate seal).

Dated: _____, 19____.

ACCEPTANCE

Approved by resolution of the _____
at the meeting of _____, 19____.

Signature of Authorized Office of County

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APPENDIX D

CERTIFICATE OF DEDICATION AND OWNERSHIP

KNOW ALL MEN BY THESE PRESENTS that

being the owner (s) of certain lands in Montezuma County, Colorado, described as follows:

and containing _____ acres more or less; have by these presents laid out, platted and subdivided the same into lots and blocks, as shown on this plat, under the name and style of _____, and do hereby grant to the County of Montezuma, State of Colorado, for the use of the public, the Avenues, Streets, Drives, Courts and Places hereon shown. Also the easements are reserved as shown, for public utility purposes and drainage.

Executed this _____ Day of _____, A.D. 19____

Owner (s) _____

STATE OF COLORADO)
) ss
COUNTY OF MONTEZUMA)

The foregoing dedication was acknowledged before me this _____ day of _____ A.D.
19_____, by _____

My Commission expires _____

WITNESS MY HAND AND SEAL

Notary Public

Approved and Accepted this _____ day of _____ A.D. 19____

MONTEZUMA COUNTY BOARD OF COMMISSIONERS

Chairman

Attest: _____
County Clerk and Recorder