AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Subdivision Exemption Request; Resolution Granting

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement:

Term Begins: **Term Ends:** **Grant Contract #:**

Summary:

Request for a subdivision exemption to allow the issuance of "household use" only well permit, for an existing cabin, on an existing 2.5-acre parcel.
SE1/4SW1/4 Section 23, Township 11 South, Range 88 West, 6th P.M..

Fiscal Impact:

Submitted by: Neal Starkebaum **Submitter's Email Address:** nstarkebaum@gunnisoncounty.org

Finance Review: ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ◉ Required ○ Not Required

Comments:
ok db 7/13/15

Reveiwed by: GUNCOUNTY1\dBaumgarten Discharge Date: 7/13/2015 Certificate of Insurance Required

Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 7/14/2015

○ Consent Agenda ◉ Regular Agenda ○ Worksession Time Allotted: 5 mins

Agenda Date: 7/21/2015

Revised April 2015

Gunnison County Community
Development Department
Offices of Planning, Building and Environmental Health
221 N. Wisconsin St., Ste. D
Gunnison, CO 81230
Phone: (970) 641-0360 Fax: (970)641-8585

June 30, 2015

TO: **Board of County Commissioners**
Matthew Birnie, County Manager
David Baumgarten, County Attorney

FROM: **Neal Starkebaum**
Assistant Director

SUBJECT: **Debbie Petrocco**
SE1/4SW1/4 Section 23, Township 11 South, Range 88 West, 6th P.M.
Subdivision Exemption Request – 2.5-acre parcel

Ms. Debbie Petrocco is requesting assistance from the Board of County Commissioners. The assistance is in the form of a subdivision exemption for a 2.5-acre parcel, to obtain a "household only use" well permit, for property that has been in her family for 75 years. The subject parcel was severed from a pre-existing 20-acre parcel, originally created in 1940 by her grandfather, which was deeded in four parcels in 1978 to his family heirs, after the September 27, 1972 date. The resultant parcels did not go through a County subdivision process.

The Board has previously reviewed these requests on a "case-by-case" basis. In this instance, there is no apparent attempt to evade or circumvent subdivision regulations to create a new parcel, but rather to obtain a well permit soley for limited household use (the Crystal River drainage is over-appropriated) for an existing cabin, on an existing 2.5-acre family parcel, that was deeded 28 years ago. The Colorado Division of Water Resources does not have an objection to the Board granting an exemption to allow for the issuance of a limited "household use" only well permit.

Please see the attached letter from Debbie Petrocco requesting relief, the deeds documenting the parcel's history, and a draft Board Resolution.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY
RESOLUTION NO. 15-___

A RESOLUTION GRANTING AN EXEMPTION FOR A DIVISION OF LAND FROM THE DEFINITION OF THE TERMS "SUBDIVISION" AND "SUBDIVIDED LAND" FOR A TRACT OF LAND WITHIN THE SE1/4SW1/4 SECTION 23, TOWNSHIP 11 SOUTH, RANGE 88 WEST, 6TH P.M. PETROCCO EXEMPTION

WHEREAS, pursuant to C.R.S. 30-28-101(10)(d), the Board of County Commissioners of Gunnison County may exempt a division of land from the statutory definitions of the terms “subdivision” and “subdivided land” if the Board determines that such division is not within the purposes of C.R.S. 30-28-101 *et seq.*; and

WHEREAS, the Board of County Commissioners of Gunnison County, Colorado is informed of the following:

1. In 1940, Antonio Petrocco, the owner’s grandfather, purchased a 20-acre parcel, which included the subject parcel.

2. In 1970, Antonio Petrocco sold 15-acres to the Marble Ski Area, Inc. and retained 5-acres, which included the subject parcel.

3. In 1978, the subject parcel was deeded to Antonio Petrocco’s heirs and was divided into 4 parcels (1.25-acres each). Debbie Petrocco’s immediate family was deeded a 1.25-acre parcel and purchased the adjoining 1.25-acre parcel from their cousin Edward Hogue and combined it into the existing 2.5-acre parcel.

4. In 1990, Debbie Petrocco’s father, Erocle Petrocco, deeded the property to his 6 children.

5. In 1994, the family built a cabin on the property and hauled water for seasonal household use during the summer months and hunting season.

6. The owner would like to the opportunity to obtain a well permit from the Colorado Division of Water Resources to provide for a water supply for the existing residence.

7. The property is located within the Crystal River drainage, which is over-appropriated and groundwater is subject to priority administration.

8. In discussions between Gunnison County and the Colorado Division of Water Resources, a solution, which is acceptable to the Division of Water Resources, would be to have the County exempt the parcel from the statutory definition of “subdivision” and “subdivided” land. The Division of Water Resources would then be able to issue an exempt “household-use only” well permit for single-family residential use; and

WHEREAS, a “household-use-only” well is the planned water supply for the existing cabin on the 2.5-acre parcel, legally described as within the SE1/4SW1/4 Section 23, Township 11 South, Range 88 West, 6th P.M.; and

WHEREAS, the Board of County Commissioners desires that the owner of the subject parcel should not be impaired in their general ability to obtain a “household-use-only” well permit; and

WHEREAS, the Board of County Commissioners desires to exempt the subject parcel from the definitions of "subdivision" and "subdivided land" pursuant to C.R.S. 30-28-101(10)(d) for the limited purpose of facilitating the "exempt" status of a single “household-use-only” well.

NOW, THEREFORE, BASED ON THE FINDINGS SET FORTH ABOVE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that an exemption is granted, pursuant to C.R.S. 30-28-101(10)(d), for the 2.5-acre parcel, SE1/4SW1/4 Section 23, Township 11 South, Range 88 West, 6th P.M., from the definition of "subdivision" and "subdivided land" for the limited purpose of facilitating the "exempt" status of a single “household-use-only” well.

INTRODUCED by Commissioner _____, seconded by Commissioner _____, and adopted this 7th day of July, 2015.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

_____
Paula Swenson, Chairperson

_____
Phil Chamberland, Commissioner

_____
Jonathan Houck, Commissioner

Attest:

_____
Deputy County Clerk

June 18, 2015

Board of County Commissioners
Via: Community Development
221 N. Wisconsin
Suite D
Gunnison CO 81230

RE: Request for subdivision exemption for parcel# 291723300010, located at 255 W. Village Dr., Marble CO; consisting of 2.5 acres with existing cabin

To the County Commissioners:

I am writing to request a subdivision exemption for the Petrocco family parcel (description above) in order to get a well permit. This property was originally part of a larger parcel that has been in the Petrocco family for 75 years. My request is based on the following history of this property:

1. My grandfather, Antonio Petrocco, bought 20 acres of land that included the above parcel from John Dwire in 1940.
2. In1970, Antonio Petrocco sold 15 acres of the original parcel to Marble Ski Area, Inc. and retained ownership of 5 acres of land that included the above parcel.
3. In 1978, the above parcel was deeded to Antonio's heirs and was divided into 4 parcels (1.25 acres each). My immediate family received a 1.25 acre lot and in 1984, bought the adjoining 1.25 lot from my cousin Edward Hogue and combined it into the 2.5 acre parcel.
4. In 1990, my father Ercole Petrocco deeded the property to his 6 children.
5. In 1994, we built a cabin on the property. We hauled in potable water for household use. The cabin was used only in the summer and during hunting season.

At this time we would like to have the option to further develop the property and will need a well permit for domestic household use. All the property divisions were surveyed and deeds were recorded with Gunnison County. I have enclosed deeds that track the history of property transfers from 1940 until now.

Thank you for your consideration of this request.

Respectfully,

Debbie Petrocco

Debbie Petrocco
711 Carlotta Ct
Fruita CO 81521
Phone: 970-639-2884; cell 970-640-9288

Received 6-22-15

400 pg.
B249

No. 18403

QUIT-CLAIM DEED—The C. F. Hoeckel Blank Book & Litho. Co., Denver, Colo. 130911

INDENTURE

This ~~Deed~~, Made this 15 th day of October in the year ~~of our Lord~~ one thousand nine hundred and forty, BETWEEN John S. Dwire

~~of the County of~~ ~~and State of Colorado,~~ of the first part, and

Antonio Petroceo

~~of the County of~~ ~~and State of Colorado, of the second part,~~

WITNESSETH, That the said part y of the first part, ~~for and~~ in consideration of the sum of One Dollar and other Consideration Dollars, ~~to him duly paid to the said part of the first part in hand paid by the said part of the second part,~~ the receipt whereof is hereby ~~confessed and~~ acknowledged, ha s remised, released, ~~sold, conveyed~~ and QUIT-CLAIMED, and by these presents do es remise, release, ~~sell, convey~~ and ~~forever~~ QUIT-CLAIM ~~and convey~~ unto the said part y of the second part, ~~and to his~~ heirs and assigns forever, all ~~the~~ his right, title, interest, ~~claim~~ ~~and demand which the said part of the first part ha~~ ~~in~~ and to the following described real property situate, lying and being in the County of Summeon and State of Colorado, to-wit:

for himself his heirs, executors and administrators

the South half of the southwest quarter (S½ S W¼), Section Twenty-three (23), township eleven (11) south, Range Eighty-eight (88) west of the sixth principal meridian, save and except the following described property: beginning at the southwest corner of the said section twenty-three (23) and running thence east along said section line to the center of State Creek; thence running along the center of said creek in a northerly direction until it intersects the north boundary line of the said south half of the southwest quarter (S½ S W¼) of said section twenty-three (23); thence west to the west boundary line of section twenty-three (23); thence south to the southwest corner of section twenty-three (23), the place of beginning. The property conveyed hereby consists of twenty (20) acres, more or less.

Together with all and singular the hereditaments thereunto belonging.

~~TO HAVE AND TO HOLD THE SAME, together with all and singular the appurtenances and privileges thereunto belonging or in anywise thereunto appertaining, and all the estate, right, title, interest and claim whatsoever, of the said part of the first part, either in law or equity, to the only proper use, benefit and behoof of the said part of the second part, heirs and assigns forever.~~

the above described premises unto the Antonio Petroceo, his heirs and assigns; so that neither he the said grantor, or any person in his name and behalf claim or demand any right or title to the said premises, but they and every from them shall by these presents be barred.

IN WITNESS WHEREOF, The said part y of the first part ha s hereunto set his hand and seal the day and year ~~first~~ above written.

Signed, Sealed and Delivered in Presence of

Bert O. Benson

John S. Dwire (SEAL)

(SEAL)

(SEAL)

(SEAL)

STATE OF COLORADO,
County ~~of~~ Summit } ss.

I,

in and for said County, in the State aforesaid, do hereby certify that

personally known to me as the person whose name subscribed to the annexed Deed, appeared before me this day in person, and acknowledged that signed, sealed and delivered the said instrument of writing as free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and seal this day of , A. D. 19

My commission expires , 19

On this 15 day of October A.D. 1940 before me the undersigned Bert O.

BOOK 424 PAGE 358 Recorded at 2:20 o'clock P. M., December 7, 1970
Reception No. 282390 Marian R. Smith Recorder.

THIS DEED, Made this 4th day of December, 1970, between

ANTONIO PETROCCO

STATE DOCUMENTARY FEE
DATE 12-7-70
$ 4.05

of the County of Garfield, and State of Colorado, of the first part, and

MARBLE SKI AREA, INC.

a corporation duly organized and existing under and by virtue of the laws of the State of Colorado of the second part;

WITNESSETH, That the said party of the first part, for and in consideration of the sum of

TEN DOLLARS AND OTHER VALUABLE CONSIDERATION ---------- DOLLARS,

to the said party of the first part in hand paid by the said party of the second part, the receipt whereof is hereby confessed and acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the said party of the second part, its successors and assigns forever, all of the following described tract or parcel of land, situate, lying and being in the County of Gunnison, and State of Colorado, to-wit:

A tract of land in the SE 1/4 SW 1/4 of Section 23, T. 11 S., R. 88 W., 6th P.M., situate, lying and being easterly of the center line of Slate Creek and being more particularly described as follows:

Beginning at the South Quarter Corner of said Section 23; thence N. 89°20'52" W. 725.84 feet along the South line of said SE 1/4 SW 1/4 to a point in the center of Slate Creek; thence N. 14°30'16" E. 94.05 feet along the center line of Slate Creek; thence N. 19°48'46" E. 152.35 feet along the center line of Slate Creek; thence N. 42°21'27" E. 158.15 feet along the center line of Slate Creek; thence N. 40°16'52" E. 118.84 feet along the center line of Slate Creek; thence N. 10°44'16" W. 177.39 feet along the center line of Slate Creek; thence N. 24°23'18" W. 106.95 feet along the center line of Slate Creek; thence N. 24°19'20" E. 69.66 feet along the center line of Slate Creek; thence N. 10°44'56" W. 292.45 feet along the center line of Slate Creek; thence N. 06°24'36" W. 148.48 feet along the center line of Slate Creek; thence N. 20°21'51" W. 113.48 feet along the center line of Slate Creek to the North line of said SE 1/4 SW 1/4; thence S. 89°32'03" E. 620.61 feet along said North line to the Northeast Corner of said SE 1/4 SW 1/4; thence S. 00°14'57" E. 1321.54 feet along the East line of said SE 1/4 SW 1/4 to the point of beginning.

Together with 3/4 of all ditch and water rights appurtenant to, used upon and in connection with the above described property.

Also together with an easement over and across the Northwest Corner of the hereinafter described parcel, being excepted, which easement shall be 70 feet in width and parallel to the West boundary of the above described property.

EXCEPTING a parcel of land containing 5 acres, more or less, and being more particularly described as follows:

Beginning at the South Quarter Corner of said Section 23; thence N. 89°20'52" W. 465.30 feet along the South line of said SE 1/4 SW 1/4; thence N. 00°14'57" W. 468.30 feet; thence S. 89°20'52" E. 465.30 feet;

point on the East line of said SE 1/4 SW 1/4; thence S. 00°14'57" E. 468.30 feet along said East line to the point of beginning.

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all the estate, right, title, interest, claim and demand whatsover of the said party of the first part, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances unto the said party of the second part, its successors and assigns forever. And the said

ANTONIO PETROCCO

party of the first part, for himself, his heirs, executors and administrators, does covenant, grant, bargain and agree to and with the said party of the second part, its successors and assigns, that at the time of the ensealing and delivery of these presents he is well seized of the premises above conveyed, as of good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments and incumbrances of whatever kind or nature soever, except 1971 general property taxes and U.S. patent reservations and exceptions,

and the above bargained premises in the quiet and peaceable possession of the said party of the second part, its successors and assigns, against all and every person or persons lawfully claiming or to claim the whole or any part thereof, the said party of the first part shall and will WARRANT AND FOREVER DEFEND.

IN WITNESS WHEREOF, The said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered in Presence of

Antonio Petrocco (SEAL)

(SEAL)

(SEAL)

(SEAL)

(SEAL)

(SEAL)

STATE OF COLORADO,
County of Garfield } ss.

The foregoing instrument was acknowledged before me this 4th day of December 19 70, by ANTONIO PETROCCO.

My commission expires June 3, 19 73. Witness my hand and official seal.

Notary Public.

Recorded at 10:22 o'clock A. M., June 19, 1978 BOOK 10 PAGE 68

Reception No. 327362 Marian A. Smith Recorder.

BY Jane Filoni Deputy

THIS DEED, Made this 19th day of April, 19 78, between

ANTONIO PETROCCO

STATE DOCUMENTARY FEE

DATE 6/19/78

$ No Fee

of the County of Garfield and State of Colorado, of the first part, and

Edward Earl Hogue, County of Garfield, State of Colorado
Mary Jane Noto, County of Adams, State of Colorado
Ercole Petrocco, County of Garfield, State of Colorado, and
John Petrocco, Parish of Orleans, State of Louisiana

~~of the XXXXXXXXXXXX County of XXXXXXXXXXXXXXXXXXXX and State of Colorado~~ of the second part,

WITNESSETH, That the said party of the first part, for and in consideration of the sum of

TEN DOLLARS AND OTHER VALUABLE CONSIDERATION AND AFFECTION Dollars,

to the said party of the first part in hand paid by the said parties of the second part, the receipt whereof is hereby confessed and acknowledged, has remised, released, sold, conveyed and *Quit-Claimed*, and by these presents does remise, release, sell, convey and *Quit-Claim* unto the said parties of the second part their heirs and assigns forever, all the right, title, interest, claim and demand which the said party of the first part has in and to the following described tract situate, lying and being in the County of Gunnison and State of Colorado, to-wit:

T. 11 S., R. 88 W., 6th P.M.

Beginning at the South Quarter Corner of said Section 23; thence N. 89°20'52" W. 465.30 feet along the South line of said SE 1/4 Sw 1/4; thence No. 00°14'57" W. 468.30 feet; thence S. 89°20' 52" E. 465.30 feet to a point on the East line of said SE 1/4 SW1/4; thence S. 00°14'57" E. 468.30 feet along said East line to the point of beginning, containing five acres, more or less.

TO HAVE AND TO HOLD THE SAME, Together with all and singular the appurtenances and privileges thereunto belonging or in anywise thereunto appertaining, and all the estate, right, title, interest and claim whatsoever of the said party of the first part, either in law or equity, to the only proper use, benefit and behoof of the said parties of the second part, their heirs and assigns, forever.

IN WITNESS WHEREOF, The said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered in Presence of

X Antonio Petrocco (SEAL)

(SEAL)

(SEAL)

(SEAL)

STATE OF COLORADO,
County of Garfield } ss.

I, ALLEN D. MAGGARD in and for said County in the State aforesaid, do hereby certify that

ANTONIO PETROCCO

personally known to me to be the person whose name is subscribed to the foregoing Deed, appeared before me this day in person, and acknowledged that HE signed, sealed and delivered the said instru-

Filed for record the 18th day of July A. D. 19 78, at 9:38 o'clock A. M. Marian A. Smith RECORDER.
Reception No. 328253 By June Pilsini DEPUTY.

BOOK 517 PAGE 211

This Deed, Made this 28th day of June in the year of our Lord one thousand nine hundred and seventy-eight between Mary Jane Noto, County of Adams, State of Colorado; John Petrocco, Parish of Orleans, State of Louisiana; and Edward Earl Hogue, County of Gunnison, State of Colorado

~~whose street address is~~ , ~~City or Town of~~ ~~County of~~ ~~and State of Colorado~~, of the first part, and

Ercole Petrocco
whose street address is 1306 Pitkin Avenue, City or Town of Glenwood Springs
County of Garfield and State of Colorado, of the second part,

Witnesseth, That the said parties of the first part, for and in consideration of the sum of TEN DOLLARS AND OTHER VALUABLE CONSIDERATION AND AFFECTION DOLLARS, to the said parties of the first part in hand paid by the said party of the second part, the receipt whereof is hereby confessed and acknowledged, have remised, released, sold, conveyed and **Quit-Claimed,** and by these presents do remise, release, sell, convey and **Quit-Claim** unto the said party of the second part, his heirs and assigns, forever, all the right, title, interest, claim and demand which the said parties of the first part have in and to the following described parcel of land situate, lying and being in the County of Gunnison and State of Colorado, to-wit:

A parcel of land situated in the SE¼SW¼ of SECTION 23, TOWNSHIP 11 SOUTH, RANGE 88 WEST of the Sixth Principal Meridian, Gunnison County, Colorado, said parcel of land is described as follows:

Beginning at a brass cap found in place and properly marked for the South ¼ corner of said Section 23, thence N. 00°14'57" W., 234.15 feet along the North-South Centerline of said Section 23; thence N. 89°20'52" W., 232.65 feet to the True Point of Beginning; thence N. 89°20'52" W., 232.65 feet; thence N. 00°14'57" W., 234.15 feet; thence S. 89°20'52" E., 232.65 feet; thence S. 00°14'57" E., 234.15 feet to the True Point of Beginning.

The above described parcel of land contains 1.25 acres more or less.

STATE DOCUMENTARY FEE
DATE 7/18/78
No Fee

To Have and to Hold the Same, Together with all and singular the appurtenances and privileges thereunto belonging or in anywise thereunto appertaining, and all the estate, right, title, interest and claim whatsoever of the said parties of the first part, either in law or equity, to the only proper use, benefit and behoof of the said party of the second part, his heirs and assigns, forever.

In Witness Whereof, The said parties of the first part have hereunto set their hand and seal the day and year first above written.

Signed, Sealed and Delivered in Presence of

Mary Jane Noto (SEAL)
Edward Earl Hogue (SEAL)
John Petrocco (SEAL)
(SEAL)

Recorded at 12:05 o'clock P. M., April 10, 1984

Reception No. 380583 Joanne M. Reitinger Recorder. BOOK 604 PAGE 483

BY: Jane Pilone Deputy

Edward Earl Hogue
whose address is P. O. Box 61 F, Marble, Colorado 81623

County of Gunnison, and State of Colorado, for the consideration of TWO THOUSAND AND 00/100----------Dollars, in hand paid,

STATE DOCUMENTARY FEE
DATE 4/10/84
$ .20

hereby sell(s) and quit claim(s) to Ercole Petrocco

whose address is 1306 Pitkin Avenue, Glenwood Springs, CO 81601 County of Garfield, and State of Colorado, the following real property, in the County of Gunnison, and State of Colorado, to wit:

A parcel of land situated in the SE¼SW¼ of SECTION 23, TOWNSHIP 11 SOUTH, RANGE 88 WEST of the Sixth Principal Meridian, Gunnison County, Colorado, lying Westerly of the North-South Centerline of said Section 23, said parcel is described as follows:

Beginning at a brass cap found in place and properly marked for the South ¼ corner of Said Section 23; thence N. 00°14'57"W., 234.15 feet along the North-South line of said Section to the True Point of Beginning; thence N. 89°20'52" W., 232.65 feet; thence N. 00°14'57" W., 234.15 feet; thence S. 89°20'52" E., 232.65 feet to a point on the North-South Centerline of said Section 23; thence S. 00°14'57" E., 234.15 feet along the North-South Centerline of said Section 23 to the True Point of Beginning.

The above described parcel of land contains 1.25 acres more or less.

also known as street and number

with all its appurtenances

Signed this 10 day of March, 1984

Edward E. Hogue

STATE OF COLORADO,
County of Gunnison } ss.

The foregoing instrument was acknowledged before me this 10th day of March, 1984, by

My commission expires June 23, 1988

Recorded at 2:30 o'clock P M., August 2 1990
Reception No. 421682 Joanne M. Reitinger Recorder.

BOOK 680 PAGE 806

GUNNISON COUNTY, CO JOANNE M. REITINGER, RECORDER
452307 BK 747 PG 199 06/15/94 12:15P

QUIT CLAIM DEED

STATE DOCUMENTARY FEE
DATE 8-2-90
$ No Fee
STATE DOCUMENTARY FEE
DATE JUN 15 1994
$ No Fee

THIS DEED, Made this 1 day of Aug, 1990,
between Ercole Petrocco 1306 Pitkin Ave
Garfield County, State of Colorado
of the *County of and State of
Colorado, grantor(s), and
Michael E Petrocco- Rebecca L Petrocco-
Deborah A Petrocco -Linda S Petrocco-
Donna E Petrocco- Julie Petrocco Samora
whose legal address is In care of Ercole Petrocco
1306 Pitkin Ave Glenwood Springs, Colorado 81601
of the County of Garfield and State of Colorado, grantee(s),

New Grantee Address: Donna E Petrocco
303 E 3rd St
Rifle, Co 81650

WITNESSETH. That the grantor(s), for and in consideration of the sum of TEN DOLLARS
AND OTHER CONSIDERATIONS AND AFFECTIONS DOLLARS
the receipt and sufficiency of which is hereby acknowledged, ha remised, released, sold, conveyed and QUIT CLAIMED, and by these presents do remise, release, sell, convey and QUIT CLAIM unto the grantee(s), his heirs, successors and assigns, forever, all the right, title, interest, claim and demand which the grantor(s) ha in and to the real property, together with improvements, if any, situate, lying and being in the County of Gunnison and State of Colorado, described as follows: Parcel of land

A parcel of land situated in the SE¼SW¼ of Section 23 TOWNSHIP II SOUTH RANGE 88 WEST of the SIXTH Principal Meridian, Gunnison County, Colo, said parcel of land is described as follows:
Beginning at a brass cap found in place and properly marked for the South ¼ corner of said Section 23, thence N. 00.14' 57" W., 234.15 feet along the North-South centerline of said section 23: thence N.89.20' 52" W., 232.65 feet to the True Point of the Beginning; thenceN. 89. 20' 52" W. 232.65 feet; thence N. 00. 14' 57" W., 234.15 feet; thenceS.89.20 52" E., 232.65 feet ; thence S.00. 14' 57" E., 234.15 feet to the True Point of the Beginning.

Beginning at a brass cap found in place and properly marked for the South ¼ corner of said Section 23; thenceN. 00. 14' 57" W., 234.15 feet along the North-South line of said line said Section to the True Point of the beginning: thence N.89.20'52" W. ,232.65 feet; thence N.00.14'57" W.,234.15 feet; thence S.89.20'52" E.,232.65 feet to a point on the North-South Centerline of said Section 23; thence S. 00.14' 57" E. 234.15 feet along the North-South Centerline of said Section 23 to the True Point of Beginning.

^The above described parcel of land contains 2.50 acres more or less.

also known by street and number as:

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances and privileges thereunto belonging or in anywise thereunto appertaining, and all the estate, right, title, interest and claim whatsoever, of the grantor(s), either in law or equity, to the only proper use, benefit and behoof of the grantee(s), heirs and assigns forever.

IN WITNESS WHEREOF, The grantor(s) ha executed this deed on the date set forth above.

Ercole Petrocco

STATE OF COLORADO, }
County of Garfield } ss.
The foregoing instrument was acknowledged before me this 31 day of July, 19 90
by Ercole Petrocco