



**BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY
RESOLUTION NO. 15-16**

**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

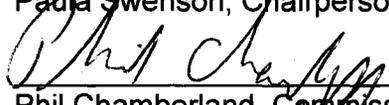
WHEREAS, the Board of County Commissioners desires to exempt the subject parcel from the definitions of "subdivision" and "subdivided land" pursuant to C.R.S. 30-28-101(10)(d) for the limited purpose of facilitating the "exempt" status of a single "household-use-only" well.

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 Chamberland seconded by Commissioner Houck, and adopted this 7th day of July, 2015.

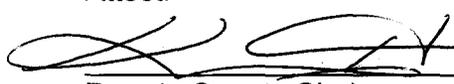
**BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO**


Paula Swenson, Chairperson


Phil Chamberland, Commissioner


Jonathan Houck, Commissioner

Attest:


Deputy County Clerk



400 pg.
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No. 184803

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



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

of the County of Antonia Petroses and State of Colorado; of the first part, and of the County of _____ and State of Colorado, of the second part;

WITNESSETH, That the said part of of the first part, for and in consideration of the sum of _____ Dollars, One Dollar and other consideration to the said part of of the first part in hand paid by the said part _____ of the second part, the receipt whereof is hereby confirmed and acknowledged, he has remised, released, sold, conveyed and QUIT-CLAIMED, and by these presents do release, release, release, release, and QUIT-CLAIM unto the said part of of the second part, and to his heirs and assigns forever, all the right, title, interest, claim and demand which the said part of of the first part has in and to the following described real property situate, lying and being in the County of Gunnison and State of Colorado, to-wit:

the South half of the southwest quarter (S 1/2 S W 1/4), Section Twenty-three (23), Township eleven (11) south, Range Eighty-eight (88) west of the sixth principal meridian, more or less, 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 (S 1/2 S W 1/4) 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 thereto belonging

the above described premises unto the Antonia Petroses, his heirs and assigns; so that neither he nor his heirs, assigns, executors, administrators, or assigns shall have any claim, demand, or right in, to, or against the above described premises, together with all and singular the appurtenances and privileges thereto 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.

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

Signed, Sealed and Delivered in Presence of

Bert O. Benson

John I. Duire

(SEAL)
(SEAL)
(SEAL)
(SEAL)

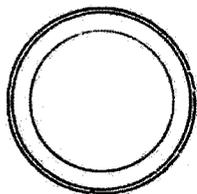
STATE OF COLORADO,

County of Gunnison

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.

From Antonia Petroses and assigns
Said grantor, or any person in his name and heirs, assigns, executors, administrators, or assigns shall have no claim, demand, or right in, to, or against the above described premises, together with all and singular the appurtenances and privileges thereto 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.

Recorded at 2:22 o'clock P.M., December 7, 1970
Reception No. 282390 *Marian R. Smith* Recorder.

THIS DEED, Made this 17th 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

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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.

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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 whatsoever 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

part Y of the first part, for him self, his heirs, executors and administrators, do covenants, grant, bargain and agree to and with the said party of the second part, its successors and assigns, that at the time of the ensembling 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 part y of the first part shall and will WARRANT AND FOREVER DEFEND.

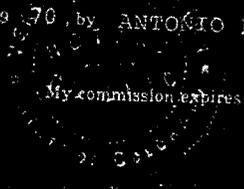
IN WITNESS WHEREOF, The said part y of the first part ha S hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered in Presence of

..... (SEAL)
Antonio Petrocco
..... (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.

[Signature]
Notary Public.

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Reception No. 327362 Marian A. Smith Recorder.
BY *June Stone* Deputy

THIS DEED, Made this 19th day of April, 1978, 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~~ ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~ ~~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 conferred 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 Sw 1/4; thence S. 00°14'57" E. 468.30 feet along said East line to the point of beginning, containing five acres, more or less.

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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*

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-

BOOK 17 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 _____ and State of Colorado, of the first part, and
County of _____
Ercole Petrocco
whose street address is 1306 Pitkin Avenue, City or Town of Glenwood Springs and State of Colorado, of the second part,
County of Garfield

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 SE 1/4 SW 1/4 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 1/4 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
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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

Edward Earl Hogue (SEAL)
John Petrocco (SEAL)

(SEAL)

Reception No. 380583

Joanne M. Reitinger

BOOK 604 PAGE 483

BY: *Joanne M. Reitinger* Deputy Recorder

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,

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 SE $\frac{1}{4}$ SW $\frac{1}{4}$ 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 $\frac{1}{4}$ 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.

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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~~ March, 1984, by

Mv commission expires Jan. 23, 1988

GUNNISON COUNTY, CO JOANNE M. REITINGER, RECORDER
06/15/94 12:15P
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QUIT CLAIM DEED

THIS DEED, Made this 1 day of Aug, 1990,
between Ereole Petrocco 1306 Pitkin Ave
Garfield County, State of Colorado

of the *County of and State of
Colorado, grantor(s), and
Michael E Petrocco - R.becca L Petrocco -
D. boran A Petrocco - Linda S Petrocco -
Donna E Petrocco - Julie Petrocco Samora

whose legal address is In care of Ereole Petrocco
1506 Pitkin Ave Glenwood Springs, Colorado 81601
of the County of Garfield and State of Colorado, grantee(s).

STATE DOCUMENTARY FEE
8-2-90
No Fee
STATE DOCUMENTARY FEE
JUN 15 1992
No Fee

WITNESSETH. That the grantor(s), for and in consideration of the sum of TEN DOLLARS
AND OTHER CONSIDERATIONS AND AFFECTIONS
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 SE 1/4 SW 1/4 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 1/4 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; 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 the Beginning.

Beginning at a brass cap found in place and properly marked for
the South 1/4 corner of said Section 23; thence N. 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; the
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.

Ereole Petrocco

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STATE OF COLORADO.

County of *Garfield*

The foregoing instrument was acknowledged before me this
by *Ereole Petrocco*

}
31 day of *July*

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