



C&R September 2025 EOM Financial Report

Agenda Item Staff Report, Board of County Commissioners

Requested by: Joe Self, Chief Deputy Clerk, Clerk & Recorder

Additional Presenters:

Meeting Date: October 28, 2025

Public Hearing Required?

Background/Request Description:

Requested Action:

Alternatives:

Fiscal Impacts: .

Legal Impacts: .

Environmental Impacts: .

Human Resources Impacts: .

Grant-Related? .



GILPIN COUNTY
Clerk & Recorder's Monthly Report to the Treasurer
SEPTEMBER 2025

	Funds Collected	Disbursements									
		Dept of Revenue	Domestic	State Health	Electronic Recording Technology	County Treasurer	County Clerk	Black Hawk	Central City	POST	Secretary of State
Recording Fees	\$6,555.00						\$6,260.00				
Recording Surcharges							\$295.00				
Documentary Fees	\$980.64						\$980.64				
Marriage Licenses	\$690.00		\$460.00	\$69.00			\$161.00				
Liquor Licenses	\$0.00						\$0.00				
State Surcharge Fees	\$590.00				\$590.00						
Recording Misc (copies, reports, disks)	\$502.45						\$502.45				
ACH eRecording & Doc Fees	\$5,481.64						\$5,481.64				
RECORDINGS	\$14,799.73	\$0.00	\$460.00	\$69.00	\$590.00	\$0.00	\$13,680.73	\$0.00	\$0.00	\$0.00	\$0.00
Specific Ownership Tax	\$106,333.99	\$548.43				\$105,218.60	\$566.96	\$0.00			
License Fee/Permit	\$85,541.08	82105.46				\$2,813.95	\$158.23	\$82.81	\$335.13	\$45.50	\$0.00
Sales & Use Tax/Vendor Fees	\$21,485.50	\$8,399.13				\$0.00	\$289.30	\$4,740.03	\$8,057.04		
MV Late Fee	\$3,940.00	\$3,170.00				\$0.00	\$770.00			\$0.00	
Titles	\$1,510.60	\$646.10				\$0.00	\$864.50				
SMM 2% Rental	\$1,432.70	\$0.00				\$543.47	\$889.23				
Lien Filing Fee	\$1,640.00	\$0.00				\$0.00	\$1,640.00				
Clerk Hire Fee	\$4,100.00	\$0.00				\$0.00	\$4,100.00				
Materials Fees	\$2,059.33	\$2,059.33					\$0.00				
Credit/Overpymt/SBAs	\$1,042.67	\$0.00					\$1,042.67				
Insurance Judgment	\$684.91	\$434.91					\$250.00				
External Debts	\$0.00	\$0.00					\$0.00				
MOTOR VEHICLE	\$229,770.78	\$97,363.36	\$0.00	\$0.00	\$0.00	\$108,576.02	\$10,570.89	\$4,822.84	\$8,392.17	\$45.50	\$0.00
Election Reimb from State/Districts	\$0.00						\$0.00				
Voter Confidentiality Program	\$0.00						\$0.00				\$0.00
Treasurer Fee Bad Check	\$0.00					\$0.00					
Election Grant	\$0.00						\$0.00				
Election Misc/Refund	\$0.00						\$0.00				
Over/Under	\$0.00										
ELECTIONS & MISC.	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2025 TOTAL	\$244,570.51	\$97,363.36	\$460.00	\$69.00	\$590.00	\$108,576.02	\$24,251.62	\$4,822.84	\$8,392.17	\$45.50	\$0.00
2024 Totals	\$228,758.44	\$98,152.00	\$280.00	\$42.00	\$214.00	\$100,649.07	\$12,152.53	\$2,043.39	\$15,185.66	\$39.79	\$0.00
2024 - 2025 VARIANCE	\$15,812.07	(\$788.64)	\$180.00	\$27.00	\$376.00	\$7,926.95	\$12,099.09	\$2,779.45	(\$6,793.49)	\$5.71	\$0.00
2023 TOTALS	\$223,111.13	\$93,280.40	\$400.00	\$60.00	\$328.00	\$100,623.95	\$13,628.44	\$2,052.07	\$12,697.72	\$40.55	\$0.00

STATE OF COLORADO

I, Sahari McCormick, Clerk & Recorder in and for the County of Gilpin, do hereby certify that this is a true, complete copy of all money collected in SEPTEMBER 2025 and disbursed in OCTOBER 2025.

\$0.00

Gilpin County Clerk & Recorder

Date



GILPIN COUNTY
Clerk & Recorder's Monthly Distribution Report
 SEPTEMBER 2025

Account	Item	Amt	Method
0100-22-4212	County Gen C&R Fees	\$16,412.31	
0100-22-4267	County Electronic Filing	\$295.00	
6500-00-4652	State Health	\$69.00	separate check
6500-00-4652	Domestic Abuse	\$460.00	separate check
0100-22-4262	Liquor Licenses	\$0.00	
8951-00-4267	State Electronic Fee	\$590.00	wire to ST
6400-00-4652	Specific Ownership	\$105,762.07	
6200-00-4652	Auto	\$85,359.32	
6300-00-4652	State Sales Tax	\$8,399.13	separate check
6700-00-4652	Late Fee State Motor V	\$3,170.00	
0100-22-4265	MV Late Fee	\$770.00	
0100-22-4266	Insurance Judgment	\$684.91	County & State insurance judgment. State is included in Payment Authorization
0200-00-4212	Road & Bridge MV Fees	\$2,813.95	
6000-00-4652	Black Hawk MV Fees	\$82.81	wire
6000-00-4652	Black Hawk Sales Tax	\$4,740.03	wire
6100-00-4652	Central City MV Fees	\$335.13	wire
6100-00-4652	Central City Sales Tax	\$8,057.04	wire
0100-30-4341	POST	\$45.50	wire GCSO
0100-23-4264	County Gen Election Fees	\$0.00	
8952-00-4264	VCP	\$0.00	Separate check
0100-24-4575	Treasurer Fee BC	\$0.00	
0100-22-4212	Misc - refund of expenses	\$1,042.67	
0100-23-4651	Election Grant	\$0.00	
	Total	\$239,088.87	

Authorized by Gilpin County Clerk & Recorder.

Sahari McCormick

Date



GILPIN COUNTY
Clerk & Recorder's Authorization for Payment
SEPTEMBER 2025

Remit to	Amount	Treasurer's Notes
Colorado Dept of Revenue ATTN: MV BOC, 4th Floor PO BOX 173350 Denver, CO 80217-3350	\$ 97,363.36	JOE - NOTE NEW MAILING ADDRESS
Colorado DEPARTMENT OF HUMAN SERVICES Attn: ATTN: DOMESTIC VIOLENCE PROGRAM 1575 Sherman St., 2nd Floor Denver, CO 80203	\$ 460.00	NEW! Back to old address Include CDHSDVP in description
CDPHE ASD-AR-B1 4300 Cherry Creek Dr. South Denver, CO 80222-1530	\$ 69.00	NEW! NOTE NEW ADDRESS include VR01MAR in the description
STATE OF COLORADO, COLORADO STATE TREASURY Electronic Recording Technology Board Brad Lang, Controller & Budget Director	\$ 590.00	
COLORADO SECRETARY OF STATE Voter Confidentiality Program Attn: Cashier's Office 1700 Broadway, Suite 200 Denver, CO 80290	\$ -	
CITY OF BLACK HAWK P.O. Box 68 Black Hawk, CO 80422	\$ 4,822.84	
CITY OF CENTRAL P. O. Box 249 Central City, CO 80427	\$ 8,392.17	

Authorized by Gilpin County Clerk & Recorder.

Sahari McCormick

Date



Resolution 25 - 119 Designating Gilpin County Representation in Regional Early Childhood Coordination Efforts

Agenda Item Staff Report, Board of County Commissioners

Requested by: Jerilin Brewer, Manager of Strategic Projects, County Manager's Office

Additional Presenters:

Meeting Date: October 28, 2025

Public Hearing Required? No

Background/Request Description:

The Triad Early Childhood Council (Triad ECC) serves as the state-recognized Early Childhood Council for Jefferson, Clear Creek, and Gilpin Counties. Triad ECC facilitates local collaboration to improve the quality, accessibility, and equity of early childhood services across the region. As part of the Council's Local Coordinating Organization (LCO) responsibilities, each county designates representatives to participate in the Early Childhood Review of Applications Committee, which reviews provider applications and ensures community needs are reflected in program decisions.

This resolution formally designates Commissioner Susan Berumen and Jerilin Brewer, Manager of Strategic Projects, as Gilpin County's representatives to the Early Childhood Review of Applications Committee. Participation in this committee ensures Gilpin County maintains a voice in regional early childhood coordination and aligns with the County's 2025 Strategic Goals of *Collaboration, Equity, and Responsiveness*. There is no fiscal impact associated with this action.

Requested Action: Approve the resolution.

Alternatives: Amend, deny, or postpone the resolution.

Fiscal Impacts: None.

Legal Impacts: None.

Environmental Impacts: None.

Human Resources Impacts: None.

Grant-Related? No.

**Before The Board of County Commissioners
County of Gilpin, State of Colorado**

DESIGNATING GILPIN COUNTY REPRESENTATIVES TO THE EARLY CHILDHOOD REVIEW OF APPLICATIONS COMMITTEE FOR THE TRIAD EARLY CHILDHOOD COUNCIL REGION

WHEREAS, the State of Colorado, through House Bill 22-1295, established the Universal Preschool Program and authorized Local Coordinating Organizations (LCOs) to support local coordination and equitable access to early childhood education; and

WHEREAS, the Triad Early Childhood Council (Triad ECC) serves as the designated Early Childhood Council for Jefferson, Clear Creek, and Gilpin Counties, working to improve the quality and accessibility of early care, education, and family support programs across the region; and

WHEREAS, the Triad ECC and its LCO facilitate a collaborative process for reviewing and recommending provider applications and funding decisions to ensure equitable service delivery for families in all three counties; and

WHEREAS, Gilpin County's participation in the Early Childhood Review of Applications Committee ensures local representation in regional decision-making and supports the County's 2025 Strategic Goals of *Collaboration, Equity, Responsiveness, and Sustainability*; and

WHEREAS, the Board of County Commissioners recognizes the importance of maintaining active engagement in early childhood coordination efforts that benefit Gilpin County families and support strong partnerships with neighboring jurisdictions;

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners as follows:

1. The Board hereby designates Jerilin Brewer, Manager of Strategic Projects, and Commissioner Susan Berumen as Gilpin County's official representatives to the Early Childhood Review of Applications Committee for the Triad Early Childhood Council region.
2. The designated representatives are authorized to participate in meetings, review provider applications, and represent Gilpin County's interests in coordination with the Triad ECC, the Local Coordinating Organization (LCO), and the Colorado Department of Early Childhood.

ADOPTED this _____ day of _____, 2025, by a vote of _____ to _____.

ATTEST:

Kimberly Kaufman, Deputy County Clerk

**BOARD OF COUNTY COMMISSIONERS
COUNTY OF GILPIN, COLORADO**

Sandy Hollingsworth, Chair

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STATE OF COLORADO)
)ss.
COUNTY OF GILPIN)

Witness my hand and official seal

Notary Public



Proclamation Recognizing November 2025 as Native American Heritage Month

Agenda Item Staff Report, Board of County Commissioners

Requested by: Melanie Bleyler, Community Engagement Officer, County Manager's Office

Additional Presenters:

Meeting Date: October 28, 2025

Public Hearing Required? No

Background/Request Description:

Native American Heritage Month is recognized nationally each November to honor the history, culture, and contributions of Native peoples. The proclamation acknowledges that the land on which Gilpin County stands is the ancestral homeland of the **Cheyenne and Arapaho Tribes**, who historically lived, hunted, and traveled throughout this region before being displaced during the 19th century.

By adopting this proclamation, the Board affirms Gilpin County's respect for the deep cultural and historical significance of this land and supports ongoing learning and recognition of Indigenous heritage.

Requested Action: Staff recommends approval of the attached proclamation recognizing **November 2025 as Native American Heritage Month** in Gilpin County.

Alternatives: Amend, postpone, or deny the proclamation

Fiscal Impacts: None.

Legal Impacts: None.

Environmental Impacts: None.

Human Resources Impacts: None.

Grant-Related? No.



Proclamation Recognizing November 2025 as Native American Heritage Month

WHEREAS, Gilpin County stands upon the ancestral lands of the Cheyenne and Arapaho Tribes, the original historic people of this region; and

WHEREAS, for generations before the arrival of settlers, the Cheyenne and Arapaho peoples lived, hunted, and traveled throughout the mountains and valleys of what is now Gilpin County, maintaining deep cultural, spiritual, and ecological connections to this land; and

WHEREAS, the County acknowledges that the Colorado Gold Rush and the establishment of mining settlements in the 19th century displaced Indigenous communities and disrupted traditional ways of life; and

WHEREAS, November is recognized nationally as Native American Heritage Month, honoring the history, culture, and contributions of Native peoples while encouraging reflection and education about their enduring presence and influence; and

WHEREAS, Gilpin County values this opportunity to recognize the Cheyenne and Arapaho Tribes and all Native peoples whose strength, resilience, and traditions continue to enrich our shared community;

NOW, THEREFORE, the Board of County Commissioners of Gilpin County, Colorado, does hereby proclaim November 2025 as Native American Heritage Month in Gilpin County, and encourages residents to honor and learn from the histories and living cultures of Indigenous peoples.

ADOPTED this 28th day of October, 2025.

Sandy Hollingsworth, Chair

Susan Berumen, Commissioner

Jeff Aiken, Commissioner



Resolution RE-25-02: A Resolution Approving the Relocation of a Building Envelope and Replat for Parcel B1 on the North County Road Exemption Plat (Reception No. 169724) & Resolution 25-XX: A Resolution Reaffirming the Validity and Conditions of Senate Bill Exemption SBE-19-02P for Parcel B1 on the North County Road Exemption Plat (Reception No. 169724)

Agenda Item Staff Report, Board of County Commissioners

Requested by: Jamie Boyle, Community Development Director, Community Development

Additional Presenters: Jack Zeman, Planner

Meeting Date: October 28, 2025

Public Hearing Required? Yes

Background/Request Description: The owner/applicant of the subject property is requesting a modification to the established building envelope, which was previously approved by the Board of County Commissioners as part of a minor subdivision plat with a transfer of development rights. (SBE-19-02) This approval subdivided a parcel known as Parcel B or 432 North County Road.

Requested Action: Approve, approve with conditions, continue the public hearing, or deny the request

Alternatives:

Fiscal Impacts: None.

Legal Impacts: None.

Environmental Impacts: None.

Human Resources Impacts: None.

Grant-Related? No.

**Before the Board of County Commissioners
County of Gilpin, State of Colorado**

A Resolution Approving the Relocation of a Building Envelope and Replat for Parcel B1 on the North County Road Exemption Plat (Reception No. 169724)

WHEREAS, the Board of County Commissioners of Gilpin County, Colorado (“the Board”) previously approved Senate Bill Exemption SBE-19-02P, which subdivided Parcel B (formerly known as 432 North County Road) into Parcels B1 and B2, establishing building envelopes for each lot, with legal descriptions as described in Exhibit A attached hereto; and

WHEREAS, the owner of Parcel B1, Ryan Roberts, has submitted an application identified as RE-25-02, requesting approval to relocate the previously established building envelope on Parcel B1, as seen in Exhibit B attached hereto, and to approve a corresponding replat of the North County Road Exemption Plat (Recorded July 15, 2021, Reception No. 169724); and

WHEREAS, the purpose of the requested building envelope relocation is to preserve existing trees, reduce visual impact from State Highway 119 (Peak-to-Peak Highway), and make use of an existing cleared area and previously dug test pits for a septic system; and

WHEREAS, the proposed building envelope complies with all applicable setback requirements and standards of the Resource Residential (RR) Zone District and does not exceed 25 percent of the total lot area, in accordance with the Gilpin County Zoning Regulations; and

WHEREAS, Section 9.1.2(c) of the Gilpin County Zoning Regulations requires approval by the Board to replat a lot or building envelope when the original plat was approved by the Board, and staff has recommended approval of the request; and

WHEREAS, proper public notice was provided in accordance with Sections 1.5 and 1.6 of the Gilpin County Zoning Regulations, including publication in the newspaper of record, mailed notice to adjacent property owners, and posting on the subject property.

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of Gilpin County, Colorado as follows:

1. The Board hereby approves the relocation of the building envelope and replat for Parcel B1 on the North County Road Exemption Plat (Recorded July 15, 2021, Reception No. 169724) as depicted in Exhibit A, submitted with application RE-25-02.
2. The building envelope established by this resolution shall supersede the previously recorded building envelope approved under SBE-19-02P.
3. All subsequent reviews and permits shall be processed in accordance with standard procedures and current Gilpin County Zoning Regulations.

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ATTEST:

RECORDING STICKER

Exhibit A: Legal Descriptions of all Sites Associated with SBE 19-02P**Parcel B1, as Created by SBE 19-02P**

That portion of Section 31, Township 1 South, Range 72 West of the 6th P.M., Shown as Parcel B1 on North County Road Exemption Plat recorded July 15, 2021, Reception No. 169724, County of Gilpin, State of Colorado. Known as: 435 N. County Road Rollinsville CO 80474.

Parcel B, As Created by BLA 92-1

That part of the SE1/4 NW1/4 and the SW1/4 NE1/4 of section 31. T. 1 S., R. 72 W. of the 6th P.M. , Gilpin County, Colorado, described as.....

Beginning at the NW corner of the said SW1/4 NE1/4; thence N 85 degrees 18' 14" E along the north line of the said SW1/4 NE1/4, 142.16 ft.; thence S 01 degrees 21' 12" E, 571.10 ft.; thence S 85 degrees 29' 19" W, 549 ft.; thence N 01 degrees 21' 12" W, 670.01 ft to a point on the north line of the said SE1/4 NW1/4; thence N 85 degrees 23' 26" E along the said north line. 560.90 ft. To the point of beginning, containing 9.98 acres more or less and being together with a 50 ft. access road easement the line from which the northernly R.O.W. line lies 12.5 ft. northernly of and the southernly R.O.W. line lies 37.5 ft. southernly of is described as..... Beginning at a point on the west line of parcel A, from which point the NW corner of the said parcel A bears N 02 degrees 53' 54" W, 20.95 f. and from which point the new corner of the said SE1/4 NW1/4 NW1/4 bears N 04 degrees 51' 54" W 311.55 ft.; thence along the said centerline the following courses and distances: S 82 degrees 41' 40" E, 143.13 ft.; N 69 degrees 55' 18" E, 311.37 ft.; N 88 degrees 28' 57" E 160.87 ft.; S 85 degrees 22' 25" E, 217.56 ft to a point on the west line on the above described parcel B from which point the NW corner of the said parcel B bears N 01 degrees 21' 12" W, 301.99 ft..... Subject to a 50 ft. access road easement the line from which the northernly R.O.W. line lies at 12.5 ft. northernly of and the southernly R.O.W. line lies 37.5 ft. southernly of is described as..... Beginning at a point on the west line of the above described parcel, from which point the NW corner of the said parcel B bears N 01 degrees 21' 12" W, 301.69 ft.; thence along the said centerline of the following courses and distances: S 85 degrees 22' 25" E. 86.82 ft.: N 83 degrees 00' 37" E. 161.92 ft.; S 63 degrees 14' 47" E. 454.07 ft. to the center of a 45 ft. radius cul-de-sac and which point is on the east line of the said parcel B, from which the SE corner of the said parcel B bears S 01 degrees 21' 12" E, 125.30 ft.....

TDR Sending Site from SBE 19-02P

All that part of the North½ of the Southeast 1/4 of Section 29, Township 1 South, Range 72 West of the 6th P.M., described as follows:

Beginning at the Southeast Corner of said North½ Southeast¼; thence North along the East Line of said North½ Southeast 1/4 a distance of 318 feet; then at angle of 86°47' to the left, a distance of 110.5 feet to the True Point of Beginning, at the Southeast corner or parcel of land described in deed recorded in Book 218 at Page 550 of Gilpin County Recorder's records; thence North along the East boundary line of said parcel of land a distance of 310 feet to the Southernly boundary line of Colorado State Highway No. 72; thence Southeasterly along said Southerly boundary line a distance of 115.98 feet; thence South and parallel to the East line of said North½ Southeast 1/4, a distance of 290 feet; thence Northwesterly on a straight line, a distance of 110.5 feet to the True Point of Beginning, County of Gilpin, State of Colorado.

Latest Warranty Deed for R005305 (Sending Site)

All that part of the North½ of the Southeast 1/4 of Section 29, Township 1 South, Range 72 West of the 6th P.M., described as follows:

Beginning at the Southeast Corner of said North½ Southeast¼; thence North along the East Line of said North½ Southeast 1/4 a distance of 318 feet; then at angle of 86°47' to the left, a distance of 110.5 feet to the True Point of Beginning, at the Southeast corner or parcel of land described in deed recorded in Book 218 at Page 550 of Gilpin County Recorder's records; thence North along the East boundary line of said parcel of land a distance of

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310 feet to the Southernly boundary line of Colorado State Highway No. 72; thence Southeasterly along said Southerly boundary line a distance of 115.98 feet; thence South and parallel to the East line of said North $\frac{1}{2}$ Southeast $\frac{1}{4}$, a distance of 290 feet; thence Northwesterly on a straight line, a distance of 110.5 feet to the True Point of Beginning, County of Gilpin, State of Colorado.

TDR Receiving Site: Parcel B from SBE 19-02P

That tract of ground shown as Parcel Bon Boundary Line Adjustment Plat recorded February 10, 2000, in Book 687 at Page 440, more particularly described as follows: That part of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 31, T. 1 S, R. 72 W of the 6th P.M., Gilpin County, Colorado, described as, Beginning at the NW corner of said SW $\frac{1}{4}$ NE $\frac{1}{4}$; thence N $85^{\circ}18'14''$ E along the North line of the said SW $\frac{1}{4}$ NE $\frac{1}{4}$, 142.16 feet; thence S $01^{\circ}21'12''$ E, 671.19 feet; thence S $85^{\circ}29'19''$ W, 649.00 feet; thence N $01^{\circ}21'12''$ W, 670.01 feet to a point on the North line of said SE $\frac{1}{4}$ NW $\frac{1}{4}$; thence N $85^{\circ}24'26''$ E along the said North line, 506.90 feet to the Point of Beginning, TOGETHER WITH a 50 foot access road easement the line from which the Northerly R.O.W. line lies 12.5 feet Northerly of and the Southerly R.O.W. line lies 37.5 feet Southerly of is described as, Beginning at a point on the West line of Parcel A (as described on said Boundary Line Adjustment Plat), from which point the NW corner of said Parcel A bears N $02^{\circ}53'54''$ W, 20.95 feet and from which point the NW corner of said SE $\frac{1}{4}$ NW $\frac{1}{4}$ bears N $04^{\circ}51'54''$ W 311.55 feet; thence along the said centerline the following courses and distances: (1) S $82^{\circ}41'40''$ E, 143.13 feet; (2) N $69^{\circ}55'18''$ E, 311.37 feet; (3) N $88^{\circ}28'57''$ E, 160.87 feet; (4) S $85^{\circ}22'25''$ E, 217.56 feet to a point on the West line of the above described Parcel B from which point the NW corner of said Parcel B bears N $01^{\circ}21'12''$ W, 301.89 feet; SUBJECT TO a 50 foot access road easement the line from which the Northerly R.O.W. line lies 12.5 feet Northerly and the Southerly R.O.W. line lies 37.5 feet Southerly of is described as, Beginning at a point on the West line of the above described Parcel B from which point the NW corner of said Parcel B bears N $01^{\circ}21'12''$ W, 301.89 feet; thence along the said centerline the following courses and distances: (1) S $85^{\circ}22'25''$ E, 86.82 feet; (2) N $83^{\circ}00'37''$ E, 161.92 feet; (3) S $63^{\circ}14'47''$ E, 454.07 feet to the center of a 45 foot radius cul-de-sac and which point is on the East line of said Parcel B, for which point the SE corner of said Parcel B bears S $01^{\circ}21'12''$ E, 125.30 feet.

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**Before the Board of County Commissioners
County of Gilpin, State of Colorado**

A Resolution Reaffirming the Validity and Conditions of Senate Bill Exemption SBE-19-02P for Parcel B1 on the North County Road Exemption Plat (Reception No. 169722 & 169724)

WHEREAS, the Board of County Commissioners of Gilpin County, Colorado (“the Board”) previously approved Senate Bill Exemption SBE-19-02P, authorizing the subdivision of a parcel known as 432 North County Road into Parcels B1 and B2 and approving a transfer of development rights (“TDR”) from a sending site off State Highway 72; and

WHEREAS, WHEREAS, Resolution SBE-19-02P was adopted on July 21, 2020, establishing the following conditions of approval: 1) A final Exemption Plat conforming to this Preliminary Plan as shown on Exhibit B shall be presented to the BOCC for approval; and 2) Building envelopes not to exceed 25% of the land area of each newly created lot shall be delineated on the Final Exemption Plat; and 3) The TDR sending site shall be restricted from future development via conservation easement or deed restriction provided to Gilpin County; and 4) The Preliminary Plan approval shall expire 4 years from its approval date in the event conditions 1, 2, and 3 above are not fully met; and

WHEREAS, a revised version of Resolution SBE-19-02P was adopted on July 6, 2021, recorded on July 15, 2021 under Reception No. 169722, and accompanied by the Final North County Road Exemption Plat recorded the same day under Reception No. 169724, thereby indicating that all required conditions had been met; and

WHEREAS, the proposed building envelope complies with all applicable setback requirements and standards of the Resource Residential (RR) Zone District and does not exceed 25 percent of the total lot area, in accordance with the Gilpin County Zoning Regulations; and

WHEREAS, the recorded resolution and plat bear the notarized signatures of the Board Chair and Deputy Clerk to the Board, confirming their execution and approval; and

WHEREAS, during later research conducted by County staff in connection with application RE-25-02, the original 2020 version of Resolution SBE-19-02P could not be located in County records, and the Board’s meeting minutes from July 6, 2021 did not include the final plat approval, creating an incomplete administrative record; and

WHEREAS, despite this clerical omission, the Board’s intent to approve the final exemption plat and the TDR transfer was clearly documented through earlier meeting minutes and the official recorded instruments; and

WHEREAS, to eliminate any ambiguity in the County’s record and to confirm the continuing validity of the approved plat and TDR transfer, the Board finds it necessary and appropriate to reaffirm Resolution SBE-19-02P and its conditions as having been satisfied.

RECORDING STICKER

RECORDING STICKER

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of Gilpin County, Colorado as follows:

1. The Board hereby reaffirms the validity of Resolution SBE-19-02P, as revised and recorded under Reception No. 169722, and confirms that all conditions required by that resolution were satisfied as of July 15, 2021, the date of recordation of the Final North County Road Exemption Plat (Reception No. 169724). The Board further affirms that the Final Plat as recorded on July 15, 2021 (Reception No. 169724) is valid and remains in effect on the parcels.
2. The North County Road Exemption Plat and associated Deed Restriction / Restrictive Covenant recorded under Reception No. 169722 are recognized as valid and binding upon the affected parcels and shall remain in full force and effect.
3. This reaffirmation serves solely to clarify and complete the County's administrative record; it does not alter, amend, or expand upon the approvals previously granted.
4. All exhibits, attachments, and materials originally recorded with Resolution SBE-19-02P, including the Final North County Road Exemption Plat (Reception No. 169724) and the Deed Restriction / Restrictive Covenant (Reception No. 169722), are hereby incorporated by reference as attachments to this Resolution 25-121 and shall be recorded herewith.

ADOPTED this _____ day of _____, 2025, by a vote of ____ to ____.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
COUNTY OF GILPIN, COLORADO**

Kimberly Kaufman, Deputy County Clerk

Sandy Hollingsworth, Chair

ACKNOWLEDGEMENT

STATE OF COLORADO)

)ss.

COUNTY OF GILPIN)

Sandy Hollingsworth, Chair, and Kimberly Kaufman, Deputy County Clerk, County of Gilpin, acknowledged the foregoing Resolution before me this _____ day of _____, 2025.

Witness my hand and official seal

Notary Public

RECORDING STICKER

RECORDING STICKER

Exhibit A: Legal Descriptions of all Sites Associated with SBE 19-02P**Parcel B1, as Created by SBE 19-02P**

That portion of Section 31, Township 1 South, Range 72 West of the 6th P.M., Shown as Parcel B1 on North County Road Exemption Plat recorded July 15, 2021, Reception No. 169724, County of Gilpin, State of Colorado. Known as: 435 N. County Road Rollinsville CO 80474.

Parcel B, As Created by BLA 92-1

That part of the SE1/4 NW1/4 and the SW1/4 NE1/4 of section 31. T. 1 S., R. 72 W. of the 6th P.M. , Gilpin County, Colorado, described as.....

Beginning at the NW corner of the said SW1/4 NE1/4; thence N 85 degrees 18' 14" E along the north line of the said SW1/4 NE1/4, 142.16 ft.; thence S 01 degrees 21' 12" E, 571.10 ft.; thence S 85 degrees 29' 19" W, 549 ft.; thence N 01 degrees 21' 12" W, 670.01 ft to a point on the north line of the said SE1/4 NW1/4; thence N 85 degrees 23' 26" E along the said north line. 560.90 ft. To the point of beginning, containing 9.98 acres more or less and being together with a 50 ft. access road easement the line from which the northernly R.O.W. line lies 12.5 ft. northernly of and the southernly R.O.W. line lies 37.5 ft. southernly of is described as..... Beginning at a point on the west line of parcel A, from which point the NW corner of the said parcel A bears N 02 degrees 53' 54" W, 20.95 f. and from which point the new corner of the said SE1/4 NW1/4 NW1/4 bears N 04 degrees 51' 54" W 311.55 ft.; thence along the said centerline the following courses and distances: S 82 degrees 41' 40" E, 143.13 ft.; N 69 degrees 55' 18" E, 311.37 ft.; N 88 degrees 28' 57" E 160.87 ft.; S 85 degrees 22' 25" E, 217.56 ft to a point on the west line on the above described parcel B from which point the NW corner of the said parcel B bears N 01 degrees 21' 12" W, 301.99 ft..... Subject to a 50 ft. access road easement the line from which the northernly R.O.W. line lies at 12.5 ft. northernly of and the southernly R.O.W. line lies 37.5 ft. southernly of is described as..... Beginning at a point on the west line of the above described parcel, from which point the NW corner of the said parcel B bears N 01 degrees 21' 12" W, 301.69 ft.; thence along the said centerline of the following courses and distances: S 85 degrees 22' 25" E. 86.82 ft.: N 83 degrees 00' 37" E. 161.92 ft.; S 63 degrees 14' 47" E. 454.07 ft. to the center of a 45 ft. radius cul-de-sac and which point is on the east line of the said parcel B, from which the SE corner of the said parcel B bears S 01 degrees 21' 12" E, 125.30 ft.....

TDR Sending Site from SBE 19-02P

All that part of the North½ of the Southeast 1/4 of Section 29, Township 1 South, Range 72 West of the 6th P.M., described as follows:

Beginning at the Southeast Corner of said North½ Southeast¼; thence North along the East Line of said North½ Southeast 1/4 a distance of 318 feet; then at angle of 86°47' to the left, a distance of 110.5 feet to the True Point of Beginning, at the Southeast corner or parcel of land described in deed recorded in Book 218 at Page 550 of Gilpin County Recorder's records; thence North along the East boundary line of said parcel of land a distance of 310 feet to the Southernly boundary line of Colorado State Highway No. 72; thence Southeasterly along said Southerly boundary line a distance of 115.98 feet; thence South and parallel to the East line of said North½ Southeast 1/4, a distance of 290 feet; thence Northwesterly on a straight line, a distance of 110.5 feet to the True Point of Beginning, County of Gilpin, State of Colorado.

Latest Warranty Deed for R005305 (Sending Site)

All that part of the North½ of the Southeast 1/4 of Section 29, Township 1 South, Range 72 West of the 6th P.M., described as follows:

Beginning at the Southeast Corner of said North½ Southeast¼; thence North along the East Line of said North½ Southeast 1/4 a distance of 318 feet; then at angle of 86°47' to the left, a distance of 110.5 feet to the True Point of Beginning, at the Southeast corner or parcel of land described in deed recorded in Book 218 at Page 550 of Gilpin County Recorder's records; thence North along the East boundary line of said parcel of land a distance of

RECORDING STICKER

RECORDING STICKER

310 feet to the Southernly boundary line of Colorado State Highway No. 72; thence Southeasterly along said Southerly boundary line a distance of 115.98 feet; thence South and parallel to the East line of said North $\frac{1}{2}$ Southeast $\frac{1}{4}$, a distance of 290 feet; thence Northwesterly on a straight line, a distance of 110.5 feet to the True Point of Beginning, County of Gilpin, State of Colorado.

TDR Receiving Site: Parcel B from SBE 19-02P

That tract of ground shown as Parcel Bon Boundary Line Adjustment Plat recorded February 10, 2000, in Book 687 at Page 440, more particularly described as follows: That part of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 31, T. 1 S, R. 72 W of the 6th P.M., Gilpin County, Colorado, described as, Beginning at the NW corner of said SW $\frac{1}{4}$ NE $\frac{1}{4}$; thence N $85^{\circ}18'14''$ E along the North line of the said SW $\frac{1}{4}$ NE $\frac{1}{4}$, 142.16 feet; thence S $01^{\circ}21'12''$ E, 671.19 feet; thence S $85^{\circ}29'19''$ W, 649.00 feet; thence N $01^{\circ}21'12''$ W, 670.01 feet to a point on the North line of said SE $\frac{1}{4}$ NW $\frac{1}{4}$; thence N $85^{\circ}24'26''$ E along the said North line, 506.90 feet to the Point of Beginning, TOGETHER WITH a 50 foot access road easement the line from which the Northerly R.O.W. line lies 12.5 feet Northerly of and the Southerly R.O.W. line lies 37.5 feet Southerly of is described as, Beginning at a point on the West line of Parcel A (as described on said Boundary Line Adjustment Plat), from which point the NW corner of said Parcel A bears N $02^{\circ}53'54''$ W, 20.95 feet and from which point the NW corner of said SE $\frac{1}{4}$ NW $\frac{1}{4}$ bears N $04^{\circ}51'54''$ W 311.55 feet; thence along the said centerline the following courses and distances: (1) S $82^{\circ}41'40''$ E, 143.13 feet; (2) N $69^{\circ}55'18''$ E, 311.37 feet; (3) N $88^{\circ}28'57''$ E, 160.87 feet; (4) S $85^{\circ}22'25''$ E, 217.56 feet to a point on the West line of the above described Parcel B from which point the NW corner of said Parcel B bears N $01^{\circ}21'12''$ W, 301.89 feet; SUBJECT TO a 50 foot access road easement the line from which the Northerly R.O.W. line lies 12.5 feet Northerly and the Southerly R.O.W. line lies 37.5 feet Southerly of is described as, Beginning at a point on the West line of the above described Parcel B from which point the NW corner of said Parcel B bears N $01^{\circ}21'12''$ W, 301.89 feet; thence along the said centerline the following courses and distances: (1) S $85^{\circ}22'25''$ E, 86.82 feet; (2) N $83^{\circ}00'37''$ E, 161.92 feet; (3) S $63^{\circ}14'47''$ E, 454.07 feet to the center of a 45 foot radius cul-de-sac and which point is on the East line of said Parcel B, for which point the SE corner of said Parcel B bears S $01^{\circ}21'12''$ E, 125.30 feet.

RECORDING STICKER

RECORDING STICKER



Resolution 25-121 Exhibit A:
Reception No. 169722

RESOLUTION SBE 19-02P

BEFORE THE BOARD OF COUNTY COMMISSIONERS
COUNTY OF GILPIN

RESOLUTION APPROVING A SUBDIVISION EXEMPTION PRELIMINARY PLAN THAT WOULD
DIVIDE S: 31 T: 1S R: 72W PT OF THE N 1/2 SE 1/4 NW 1/4 LOT: PCL B A TRACT OF LAND
CREATED BY BLA 92-1 DES 536/83 (LESS EASEMENT DES 541/44), OTHERWISE KNOWN AS 432
NORTH COUNTY ROAD INTO PARCELS B1 AND B2 LOCATED IN S: 31 T: 1S R: 72W PT OF THE N
1/2 SE 1/4 NW 1/4 GILPIN COUNTY, COLORADO

(FLORIAN FREYMUTH, APPLICANT)

WHEREAS, 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 with the purposes of C.R.S. 30-28-101, Part 1; and,

WHEREAS, the Board of County Commissioners has determined that the above-referenced land division is consistent with Gilpin County subdivision exemption regulations and therefore not within the purpose of C.R.S. 30-28-101.

NOW THEREFORE, be it resolved by the Board of County Commissioners of the County of Gilpin that the above-referenced subdivision exemption preliminary plan is hereby approved as shown on attached Exhibits A & B subject to the following conditions:

1. A final Exemption Plat conforming to this Preliminary Plan as shown on Exhibit B shall be presented to the BOCC for approval.
2. Building envelopes not to exceed 25% of the land are of each newly created lot shall be delineated on the Final Exemption Plat.
3. The TDR sending site shall be restricted from future development via conservation easement or deed restriction provided to Gilpin County.
4. The Preliminary Plan approval shall expire 4 years for its approval date in the event conditions 1, 2, and 3 above are not fully met.

ORIGINALLY ADOPTED this 21st day of July, 2020, by a vote of 3 to 0.

REVISED VERSION ADOPTED this 06th day of July, 2021, by a vote of 3 to 0.

ATTEST:

Sharon Cate
Sharon E. Cate, Deputy Clerk

GILPIN COUNTY
BOARD OF COUNTY COMMISSIONERS

Linda Isenhart
Linda Isenhart, Chair

ACKNOWLEDGMENT

STATE OF COLORADO)
) ss
COUNTY OF GILPIN)

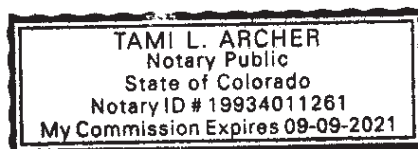
The foregoing Resolution was acknowledged before me this 13 day of July, 2021, by
Linda Isenhart, Chair, and Sharon Cate, Deputy County Clerk, County of
Gilpin.

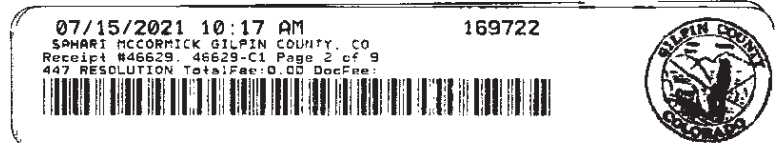
Witness my hand and official seal.

My commission expires: 09-09-2021

Notary Public

Tami L. Archer



**After Recording Return To:**

Gilpin County
P.O. Box 661
203 Eureka St.
Central City, Colorado 80427

Deed Restriction – Restrictive Covenant

State of Colorado, Gilpin County

Grantor, whose legal address is 148 Valley Road, Nederland, Colorado 80466 ("Grantor"), executes this Deed Restriction – Restrictive Covenant ("Restrictive Covenant") in favor of Gilpin County through its Board of County Commissioners, whose legal address is P.O. Box 661, 203 Eureka St., Central City, Colorado, 80427 ("County"). This Restrictive Covenant is required pursuant to Gilpin County Board of County Commissioner Resolution No. SBE 19-02P authorizing the transfer of development rights per Gilpin County Zoning Regulation 3.5 involving real property - two separate parcels of land owned by Grantors. These real properties are described as follows:

See attached Exhibit A which is made a part hereof and incorporated herein by reference ("Sending Site"). The Sending Site is also shown in detail in the attached County map marked as **Appendix 1** and is described in detail in that certain Warranty Deed recorded on July 10, 2003 at Reception No. 117972 in the records of the Clerk and Recorder for Gilpin County, Colorado.

See attached Exhibit B which is made a part hereof and incorporated herein by reference ("Receiving Site"). The Receiving Site is shown in detail in the attached County map attached as **Appendix 2** and is described in detail in that certain Warranty Deed recorded on October 16, 2001 at Reception No. 109907 in the records of the Clerk and Recorder for Gilpin County, Colorado.

Grantor is transferring the development rights from the Sending Site to the Receiving Site per Gilpin County Zoning Regulation 3.5. This transfer prohibits development of the Sending Site per Zoning Regulation 3.5. In accordance with Gilpin County Zoning Code 3.5 and the terms of Gilpin County Board of County Commissioner Resolution No. SBE 19-02P, the aforementioned Sending Site is hereby restricted from future development in perpetuity. This restriction includes without limitation any construction, improvement, or other development of any kind on the Sending Site, excepting driveways, underground utilities, leach fields and wells. These restrictions constitute an encumbrance and restrictive covenant running with the land – the Sending Site in perpetuity. This Deed Restriction – Restrictive Covenant constitutes a restrictive covenant in favor of Gilpin County acting through the Board of County Commissioners. This restrictive covenant remains in effect regardless of any amendment or discontinuation of Gilpin County's current Zoning Regulation 3.5.



IN WITNESS HEREOF, Grantor has executed this Deed Restriction – Restrictive Covenant
this 25 day of January, 2021.

GRANTOR:

Florian Freymuth
Florian Freymuth

Address: 148 Valley Road, Nederland, Colorado 80466

Notary Acknowledgment

State of Colorado)
) ss.
County of Boulder)

I certify that the foregoing instrument was acknowledged before me by this 25 day of
January, 2021.

Witness my hand and official seal.

Notary Public: Alexis Aguiar Threlkeld
My Commission Expires: 4/14/2024

SEAL

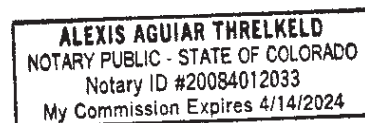




EXHIBIT A
(Sending Site Legal Description)

All that part of the North $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of Section 29, Township 1 South, Range 72 West of the 6th P.M., described as follows:

Beginning at the Southeast Corner of said North $\frac{1}{2}$ Southeast $\frac{1}{4}$; thence North along the East Line of said North $\frac{1}{2}$ Southeast $\frac{1}{4}$ a distance of 318 feet; then at angle of $86^{\circ}47'$ to the left, a distance of 110.5 feet to the True Point of Beginning, at the Southeast corner or parcel of land described in deed recorded in Book 218 at Page 550 of Gilpin County Recorder's records; thence North along the East boundary line of said parcel of land a distance of 310 feet to the Southeasterly boundary line of Colorado State Highway No. 72; thence Southeasterly along said Southerly boundary line a distance of 115.98 feet; thence South and parallel to the East line of said North $\frac{1}{2}$ Southeast $\frac{1}{4}$, a distance of 290 feet; thence Northwesterly on a straight line, a distance of 110.5 feet to the True Point of Beginning, County of Gilpin, State of Colorado.



EXHIBIT B
(Receiving Site Legal Description)

That tract of ground shown as Parcel B on Boundary Line Adjustment Plat recorded February 10, 2000, in Book 687 at Page 440, more particularly described as follows:

That part of the SE 1/4 NW 1/4 and the SW 1/4 NE 1/4 of Section 31, T. 1 S, R. 72 W of the 6th P.M., Gilpin County, Colorado, described as,

Beginning at the NW corner of said SW 1/4 NE 1/4; thence N 85°18'14" E along the North line of the said SW 1/4 NE 1/4, 142.16 feet;

thence S 01°21'12" E, 671.19 feet;

thence S 85°29'19" W, 649.00 feet;

thence N 01°21'12" W, 670.01 feet to a point on the North line of said SE 1/4 NW 1/4;

thence N 85°24'26" E along the said North line, 506.90 feet to the Point of Beginning,

TOGETHER WITH a 50 foot access road easement the line from which the Northerly R.O.W. line lies 12.5 feet Northerly of and the Southerly R.O.W. line lies 37.5 feet Southerly of is described as,

Beginning at a point on the West line of Parcel A (as described on said Boundary Line Adjustment Plat), from which point the NW corner of said Parcel A bears N 02°53'54" W, 20.95 feet and from which point the NW corner of said SE 1/4 NW 1/4 bears N 04°51'54" W 311.55 feet;

thence along the said centerline the following courses and distances:

(1) S 82°41'40" E, 143.13 feet;

(2) N 69°55'18" E, 311.37 feet;

(3) N 88°28'57" E, 160.87 feet;

(4) S 85°22'25" E, 217.56 feet to a point on the West line of the above described Parcel B from which point the NW corner of said Parcel B bears N 01°21'12" W, 301.89 feet;

SUBJECT TO a 50 foot access road easement the line from which the Northerly R.O.W. line lies 12.5 feet Northerly and the Southerly R.O.W. line lies 37.5 feet Southerly of is described as,

Beginning at a point on the West line of the above described Parcel B from which point the NW corner of said Parcel B bears N 01°21'12" W, 301.89 feet;

thence along the said centerline the following courses and distances:

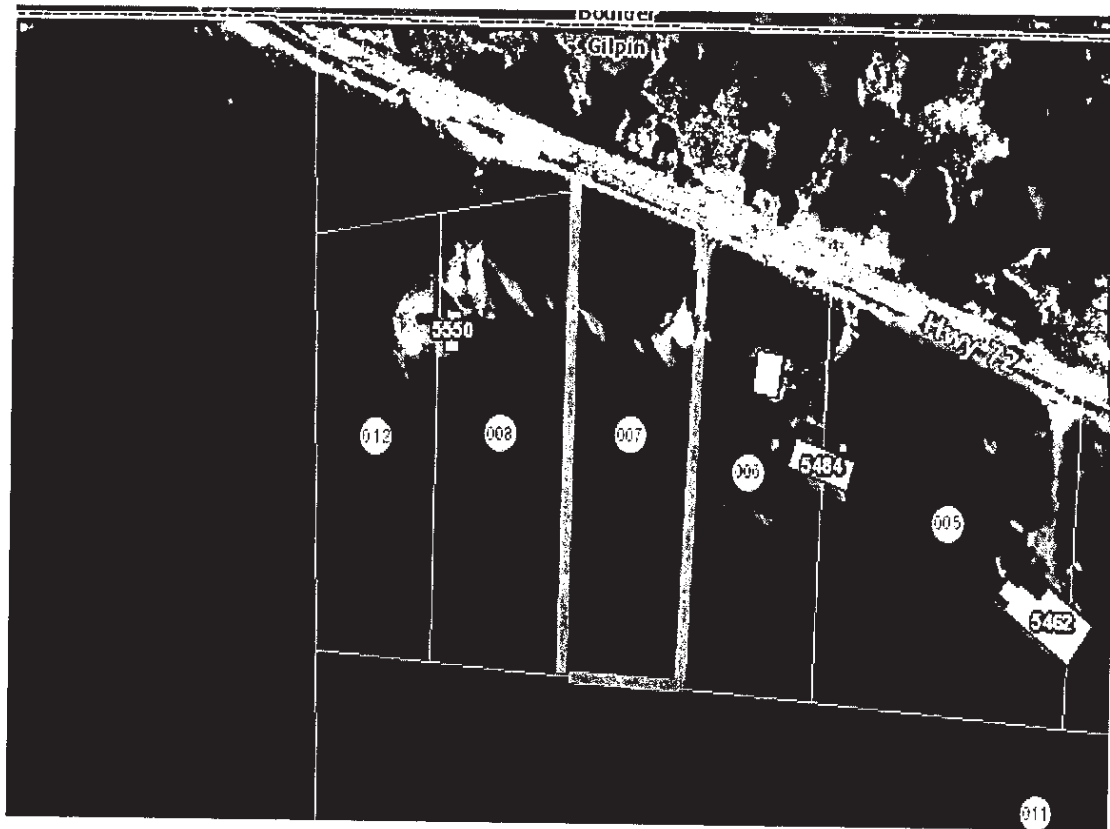
(1) S 85°22'25" E, 86.82 feet;

(2) N 83°00'37" E, 161.92 feet;

(3) S 63°14'47" E, 454.07 feet to the center of a 45 foot radius cul-de-sac and which point is on the East line of said Parcel B, for which point the SE corner of said Parcel B bears S 01°21'12" E, 125.30 feet.

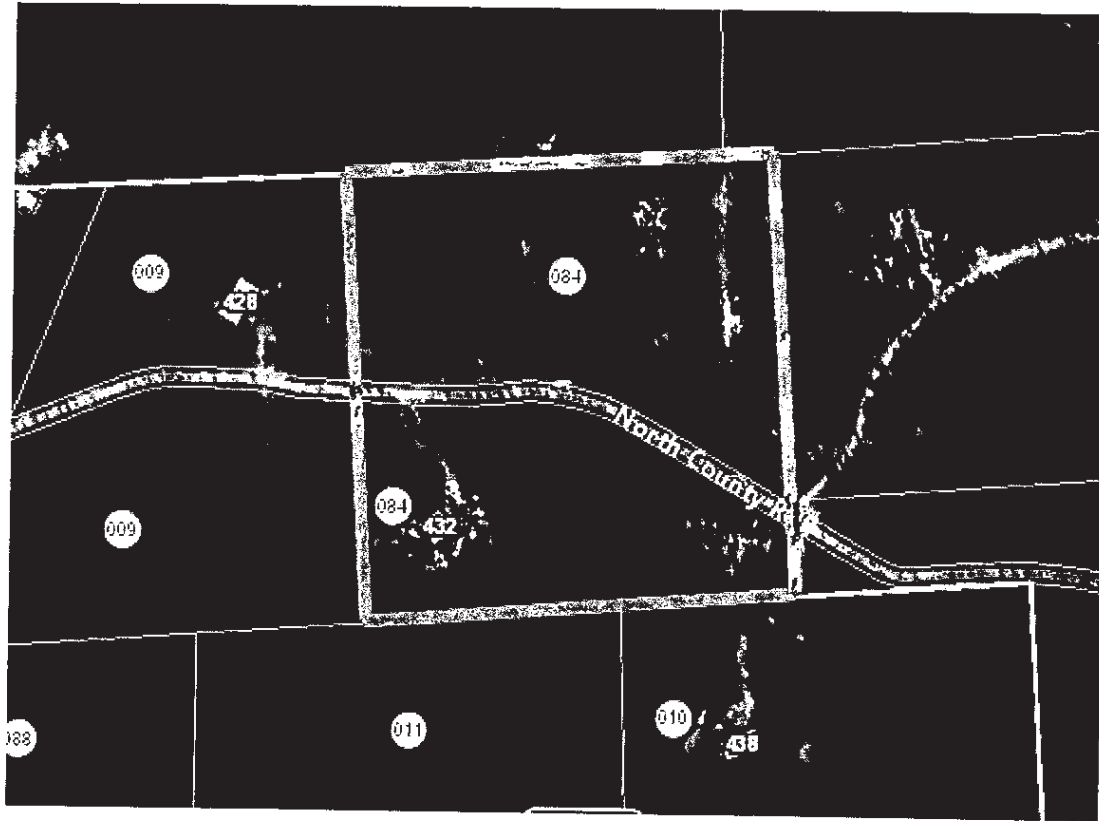


APPENDIX 1
(Sending Site)





APPENDIX 2
(Receiving Site)



NORTH BERRY ROAD EXTENSION PLAN
 FINAL PLAN
 APPLICANT & DEVELOPER:
 FLOREAN ECKHART
 10000 130TH AVE. S.
 BELLEVUE, WA 98004
 SURVEYOR:
 STAFFORD REAL SURVEYING
 10000 130TH AVE. S.
 SUITE 100
 BELLEVUE, WA 98004
 PHONE: 425-453-0818
 SHEET 1 OF 2 DEC. 23, 2010

GENERAL NOTES

1) NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

2) THE BASIS OF BEARINGS FOR THIS SURVEY IS THE RECORD BEARING OF N01°21'12"W ALONG THE NORTH-SOUTH CENTERLINE OF SECTION 31 PER THE BOUNDARY LINE ADJUSTMENT PLAT FILED AS BLA 92-1 IN BOOK 536 AT PAGE 83 AS RECEPTION No. 76140.

3) THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT AND DOES NOT CONSTITUTE A TITLE SEARCH BY STARR PEAK SURVEYING, LLC. TO DETERMINE TITLE OR EASEMENTS OF RECORD. THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE: EASEMENTS, OTHER THAN POSSIBLE EASEMENTS THAT WERE VISIBLE AT THE TIME OF THIS SURVEY; BUILDING SETBACK LINES; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS; ZONING OR OTHER LAND-USE REGULATIONS, AND ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

4) THE ENTIRE SURVEYED PARCEL SHOWN HEREON CONTAINS 9.98 ACRES SUBDIVIDED INTO 2 EQUAL LOTS.

5) THIS DRAWING IS BASED ON A FIELD SURVEY PERFORMED & COMPLETED BY STARR PEAK SURVEYING ON OR ABOUT APRIL 25, 2018.

6) THE BUILDING ENVELOPES AS SHOWN HEREON WERE CREATED TO ENCOMPASS ANY EXISTING STRUCTURES ON THE SURVEYED PARCELS AND WERE CREATED TO BE 25% OF THE TOTAL ACREAGE OF EACH OF THE ADJUSTED PARCELS.

7) IT APPEARS THAT THE SURVEYOR WHO SET THE 1/2" REBARS WITH PLASTIC CAPS SET THE MONUMENTS HOLDING THE NORTH LINE OF THE CORONA HEIGHTS SUBDIVISION, TO THE SOUTH OF THE SURVEYED PARCEL, THE CORONA HEIGHTS SUBDIVISION IS KNOWN TO BE SHIFTED AND ROTATED OFF THE SECTION LINES THEY ARE INTENDED TO BE TIED TO. THE SURVEYED PARCELS SHOWN HEREON IS TIED TO AND SHOWN IN RELATIONSHIP TO THE SECTION MONUMENTS FOUND AND LOCATED DURING THE COURSE OF THIS SURVEY. SEE THE CONTROL DIAGRAM ON SHEET 1.

NORTH COUNTY ROAD, EXEMPTION PLAT

FINAL PLAT

A MINOR SUBDIVISION OF PARCEL "B", BLA 92-1, REC. No. 76067, IN BOOK 536, PAGE 83

SITUATED IN SECTION 31,

TOWNSHIP 2 SOUTH, RANGE 72 WEST OF THE SIXTH PRINCIPAL MERIDIAN,

COUNTY OF GILPIN, STATE OF COLORADO

SHEET 2 OF 2

Resolution 25-121 Exhibit B:

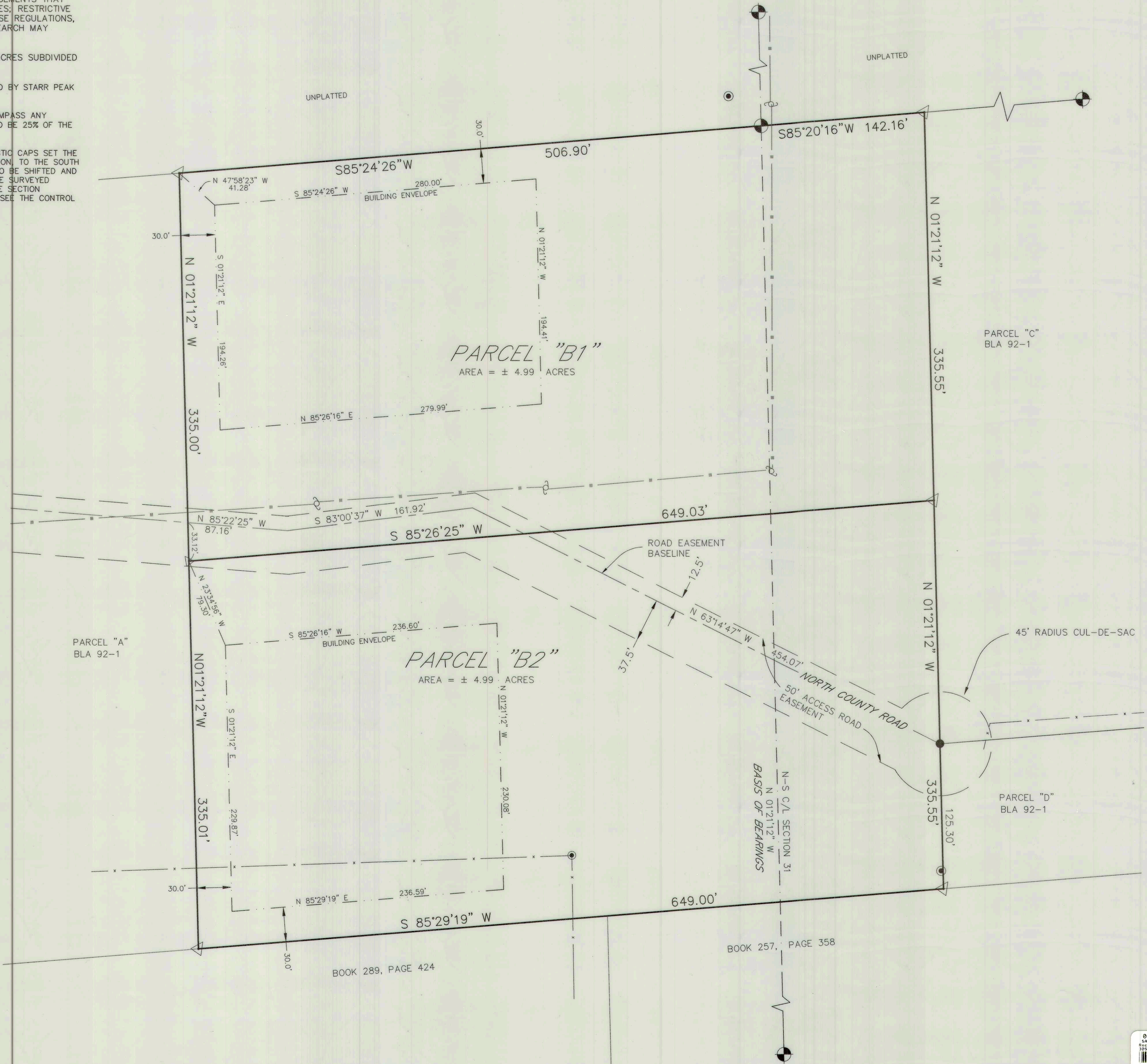
Reception No. 169742

LEGAL DESCRIPTION: PARCEL B1

PARCEL "B1", BEING THE NORTH HALF OF A TRACT OF GROUND SET FORTH AS PARCEL B ON BOUNDARY LINE ADJUSTMENT PLAT RECORDED DECEMBER 11, 1992 AS RECEPTION No. 76067 AND AS ATTACHED TO RESOLUTION APPROVING BOUNDARY LINE ADJUSTMENT No. BLA 92-1, RECORDED IN BOOK 536 AT PAGE 83, COUNTY OF GILPIN, STATE OF COLORADO

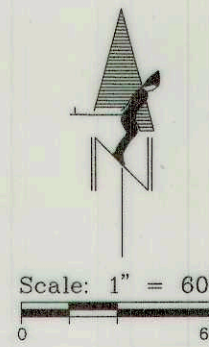
LEGAL DESCRIPTION: PARCEL B2

PARCEL "B2", BEING THE SOUTH HALF OF A TRACT OF GROUND SET FORTH AS PARCEL B ON BOUNDARY LINE ADJUSTMENT PLAT RECORDED DECEMBER 11, 1992 AS RECEPTION No. 76067 AND AS ATTACHED TO RESOLUTION APPROVING BOUNDARY LINE ADJUSTMENT No. BLA 92-1, RECORDED IN BOOK 536 AT PAGE 83, COUNTY OF GILPIN, STATE OF COLORADO



LEGEND:

- FOUND ALIQUOT SECTION CORNER
SEE CONTROL DIAGRAM ON SHEET 1
- FOUND 1/2" REBAR W/ ILLEGIBLE PLASTIC CAP
NOT ACCEPTED - SEE NOTE 7
- FOUND 5/8" REBAR
- FOUND 5/8" REBAR W/ PLASTIC CAP
STAMPED "PLS 27258"
- SET 5/8" REBAR W/ YELLOW PLASTIC CAP
STAMPED "STARR PEAK LS 34168"
- EXISTING FENCE
- UTILITY POLE & OVERHEAD UTILITIES



F 36

NORTH COUNTY ROAD EXEMPTION PLAT
FINAL PLAT
APPLICANT & DEVELOPER:
FLORIAN FREYMUTH
148 VALLEY ROAD
NEDERLAND, CO 80466
SURVEYOR:
STARR PEAK SURVEYING
CHRIS HARTMAN
660 TAYLOR DRIVE
BLACK HAWK, CO 80422
PH: 303-642-0810
SHEET 2 OF 2 DEC. 23, 2020

07/15/2021 10:17 AM
169742
STARR PEAK SURVEYING, LLC
660 TAYLOR DRIVE
BLACK HAWK, CO 80422
PH: 303-642-0810

LEGAL DESCRIPTION (RECORD)

A TRACT OF GROUND SET FORTH AS PARCEL B ON BOUNDARY LINE ADJUSTMENT PLAT RECORDED DECEMBER 11, 1992 AS RECEPTION No. 76067 AND AS ATTACHED TO RESOLUTION APPROVING BOUNDARY LINE ADJUSTMENT No. BLA 92-1, RECORDED IN BOOK 536 AT PAGE 83, COUNTY OF GILPIN, STATE OF COLORADO

LEGAL DESCRIPTIONS (SUBDIVIDED PARCELS)

LEGAL DESCRIPTION: PARCEL B1

PARCEL "B1"
BEING THE NORTH HALF OF A TRACT OF GROUND SET FORTH AS PARCEL B ON BOUNDARY LINE ADJUSTMENT PLAT RECORDED DECEMBER 11, 1992 AS RECEPTION No. 76067 AND AS ATTACHED TO RESOLUTION APPROVING BOUNDARY LINE ADJUSTMENT No. BLA 92-1, RECORDED IN BOOK 536 AT PAGE 83, COUNTY OF GILPIN, STATE OF COLORADO

LEGAL DESCRIPTION: PARCEL B2

PARCEL "B2"
BEING THE SOUTH HALF OF A TRACT OF GROUND SET FORTH AS PARCEL B ON BOUNDARY LINE ADJUSTMENT PLAT RECORDED DECEMBER 11, 1992 AS RECEPTION No. 76067 AND AS ATTACHED TO RESOLUTION APPROVING BOUNDARY LINE ADJUSTMENT No. BLA 92-1, RECORDED IN BOOK 536 AT PAGE 83, COUNTY OF GILPIN, STATE OF COLORADO

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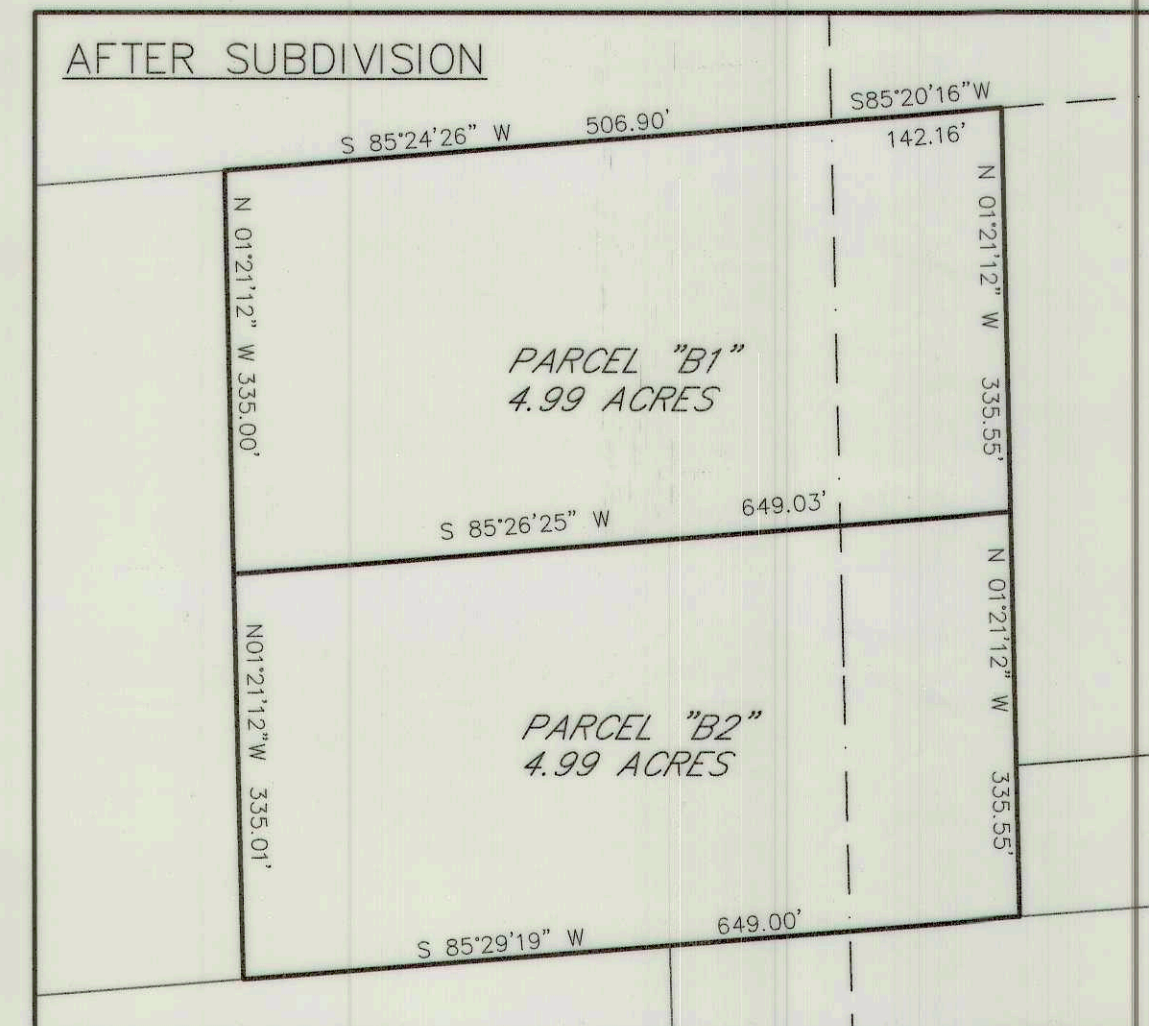
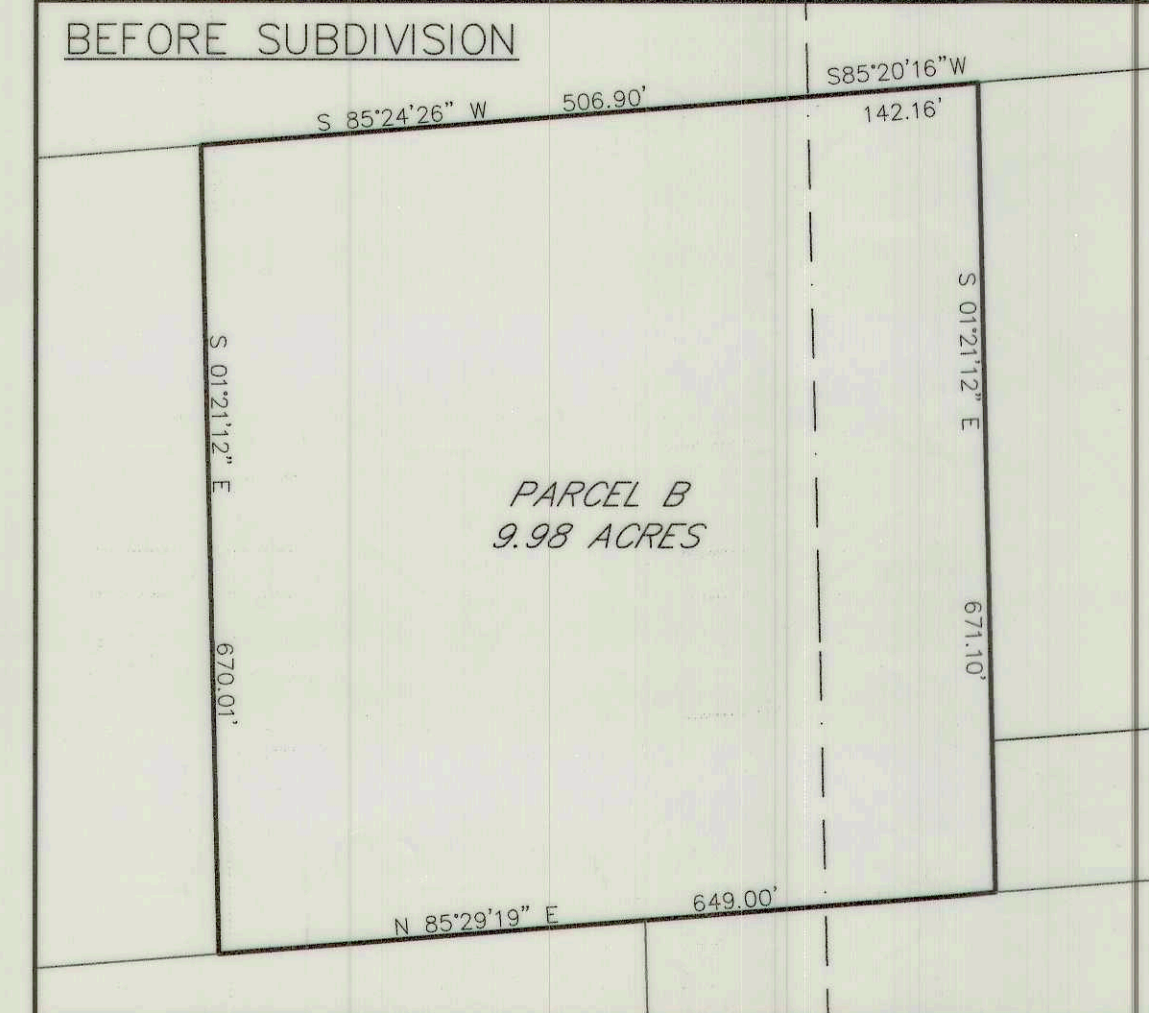
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3) THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT AND DOES NOT CONSTITUTE A TITLE SEARCH BY STARR PEAK SURVEYING, LLC. TO DETERMINE TITLE OR EASEMENTS OF RECORD. THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE: EASEMENTS, OTHER THAN POSSIBLE EASEMENTS THAT WERE VISIBLE AT THE TIME OF THIS SURVEY; BUILDING SETBACK LINES; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS; ZONING OR OTHER LAND-USE REGULATIONS, AND ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

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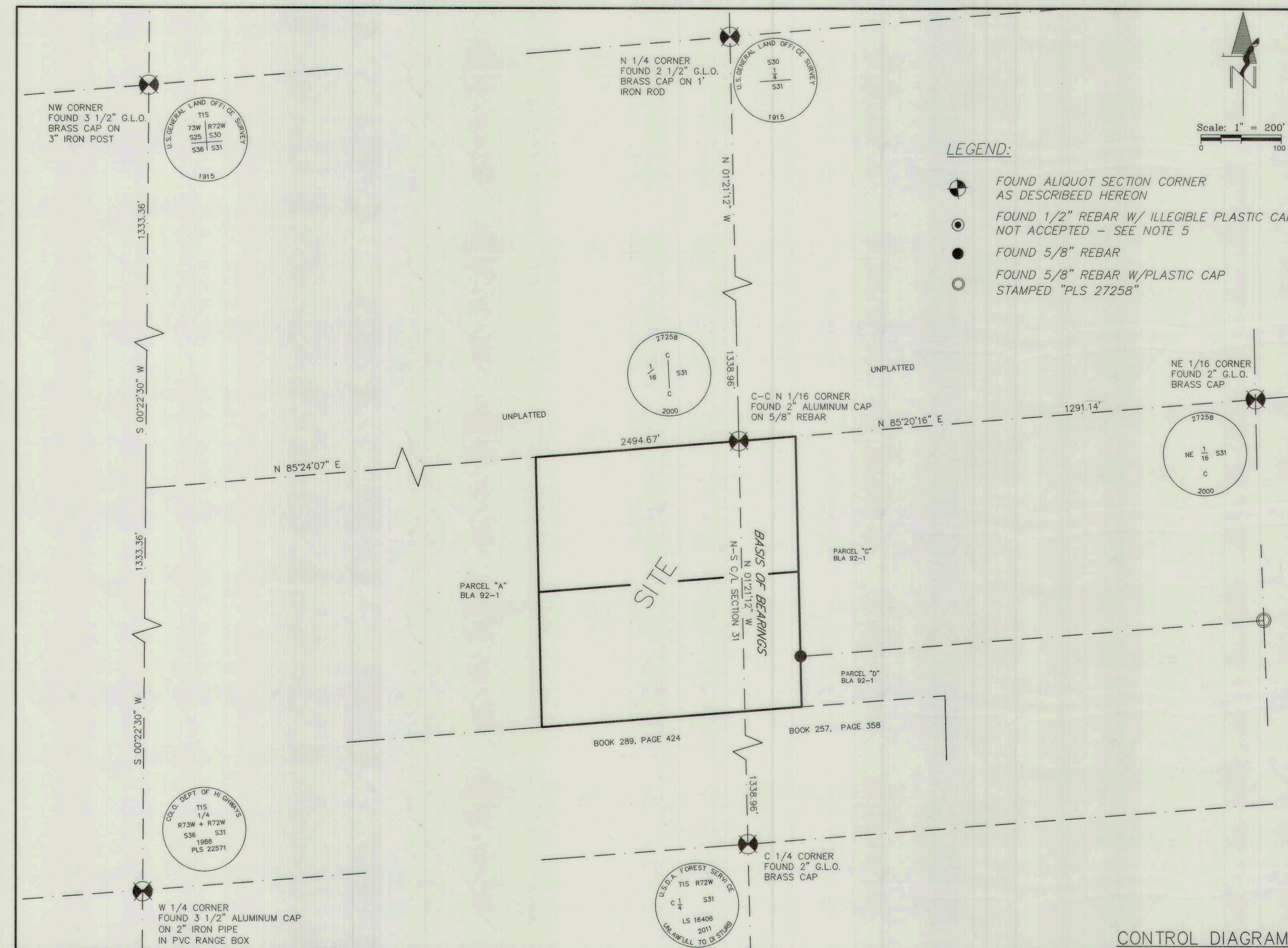
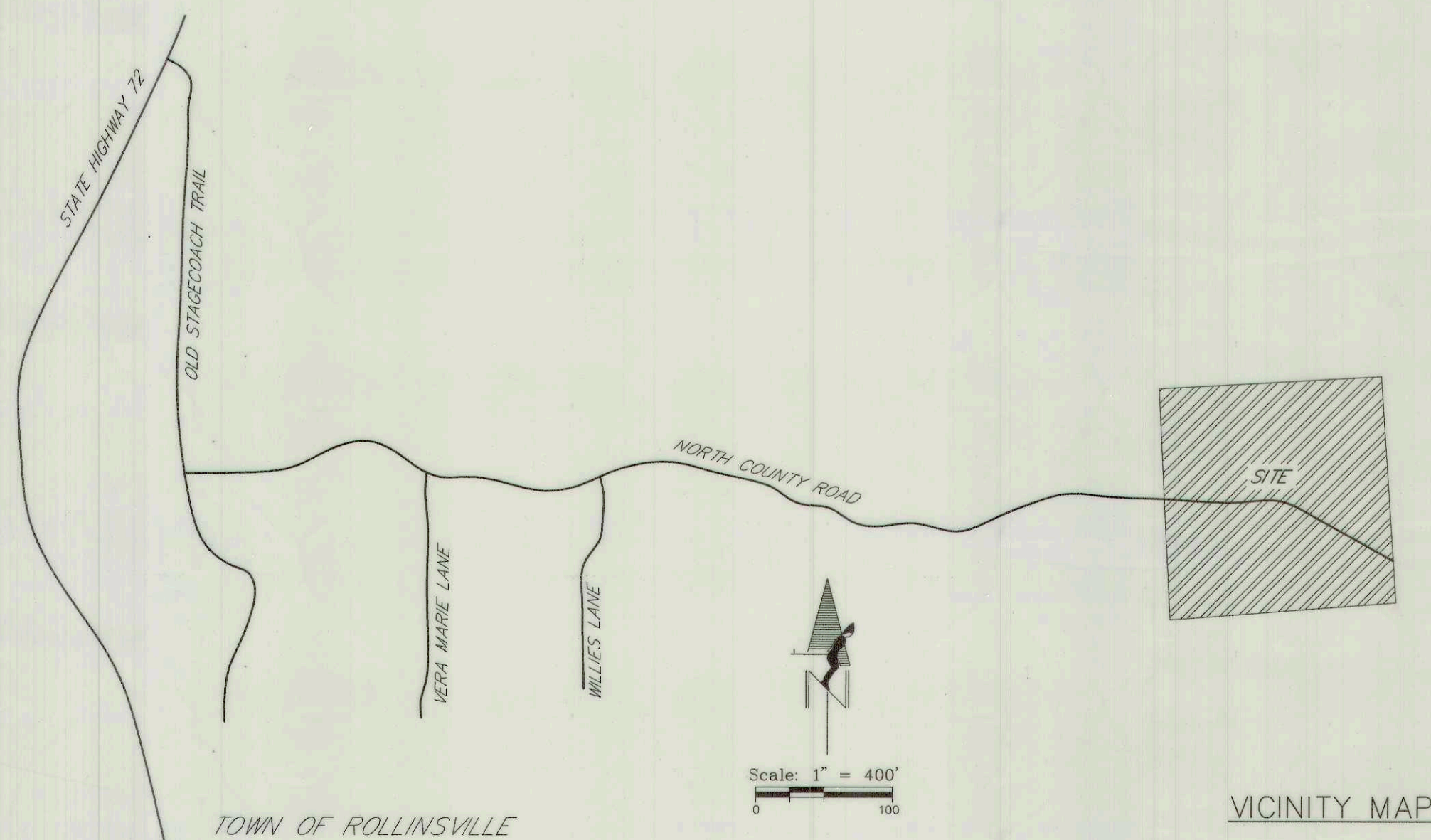
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NORTH COUNTY ROAD, EXEMPTION PLAT

FINAL PLAT

A MINOR SUBDIVISION OF PARCEL "B", BLA 92-1, REC. No. 76067,
IN BOOK 536, PAGE 83
SITUATED IN SECTION 31,
TOWNSHIP 2 SOUTH, RANGE 72 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
COUNTY OF GILPIN, STATE OF COLORADO
SHEET 1 OF 2



DEDICATION

KNOW ALL MEN BY THESE PRESENTS: THE UNDERSIGNED, BEING ALL THE OWNERS, MORTGAGEES, BENEFICIARIES OF DEEDS OF TRUST AND HOLDERS OF OTHER INTERESTS OF THE LANDS DESCRIBED HEREIN, HAVE LAID OUT, SUBDIVIDED, AND PLATTED SAID LANDS INTO A LOTS, TRACTS, STREETS AND EASEMENTS AS SHOWN HEREON UNDER THE NAME AND SUBDIVISION OF NORTH COUNTY ROAD, EXEMPTION PLAT. PUBLIC UTILITY COMPANIES ARE HEREBY GRANTED AN EASEMENT UPON PARCEL B AND ROADWAY EASEMENTS SHOWN ON THE PLAT FOR THE INSTALLATION AND MAINTENANCE OF UTILITY LINES AND FACILITIES.

OWNER:

FLORIAN FREYMUTH

BY: Florian Freymuth

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 25th DAY OF January, 2021, BY Florian Freymuth AS _____

STATE OF Colorado) SS

COUNTY OF Boulder)

FLORIAN FREYMUTH

WITNESS MY HAND AND OFFICIAL SEAL.

MY COMMISSION EXPIRES 4/14/2020

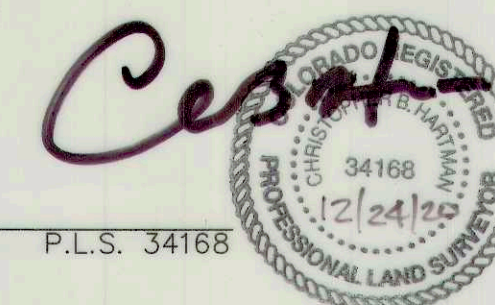
Alexis Threlkeld
NOTARY PUBLIC
My Commission Expires 4/14/2020

ALEXIS THRELKELD
NOTARY PUBLIC - STATE OF COLORADO
Notary Identification #0004012033
My Commission Expires 4/14/2020

2595 Canyon Blvd, Ste 200, Boulder CO 80302
ADDRESS

SURVEYOR'S CERTIFICATE

I, CHRISTOPHER B. HARTMAN, A DULY REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THE SURVEY REPRESENTED BY THIS PLAT WAS MADE UNDER MY SUPERVISION AND THE MONUMENTS SHOWN HEREON ACTUALLY EXIST AND THIS PLAT ACCURATELY REPRESENTS SAID SURVEY.



CHRISTOPHER B. HARTMAN, P.L.S. 34168
FOR AND ON BEHALF OF
STARR PEAK SURVEYING

BOARD OF COUNTY COMMISSIONERS APPROVAL

THIS EXEMPTION PLAT APPROVED BY THE GILPIN COUNTY BOARD OF COUNTY COMMISSIONERS THIS 06th DAY OF July, 2021.

CHAIRPERSON: Linda Isenhardt

ATTEST: Sharon Cate

F36

NORTH COUNTY ROAD EXEMPTION PLAT
FINAL PLAT
APPLICANT & DEVELOPER:
FLORIAN FREYMUTH
148 VALLEY ROAD
NEDERLAND, CO 80466
SURVEYOR:
STARR PEAK SURVEYING
CHRIS HARTMAN
660 TAYLOR DRIVE
BLACK HAWK, CO 80422
PH: 303-642-0810
SHEET 1 OF 2 DEC. 23, 2020



Staff Report

Department of Community Development

203 Eureka St. Central City, CO 80427



To: Gilpin County Board of County Commissioners

From: Jack Zeman, Planner

Meeting Date & Time: October 28th, 2025; Public Hearing 9:30am or later

Meeting Location: 203 Eureka St. Central City, CO 80427 and Microsoft Teams

File Number: RE-25-02 and Reaffirmation of SBE 19-02P

Petition Type: Building envelope move and replat on a previously approved subdivision plat

Applicant: Ryan Roberts

Subject Property: Described as: That portion of Section 31, Township 1 South, Range 72 West of the 6th P.M., Shown as **Parcel B1** on North County Road Exemption Plat Recorded July 15, 2021, Reception No. 169724. Also known as: R114878.

RE-25-2

Request

The owner/applicant of the subject property, Parcel B1, is requesting a modification to the established building envelope, which was previously approved by the Board of County Commissioners as part of a minor subdivision plat with a transfer of development rights. (SBE-19-02P) This approval subdivided a parcel, known as Parcel B or 432 North County Road, into Parcel B1 and Parcel B2.

Pertinent Facts

The subject property is a gently sloping 4.99-acre lot in the Resource Residential zone. It is vacant land with no structures on the property.

The applicant has prepared a new survey with the building envelope laid out. The proposed building envelope complies with the setback requirements for Resource Residential zoned land and does not exceed more than 25% of the total lot size, in accordance with Gilpin County Zoning Regulations.

The applicant is seeking to build a New Single-Family Residence on the subject property. The proposed dwelling would be allowable per Gilpin County zoning regulations and the transferred development rights (SBE-19-02P), but the location is outside of the current building envelope that was established by the BoCC.

The applicant's stated purposes for requesting the building envelope modification are:

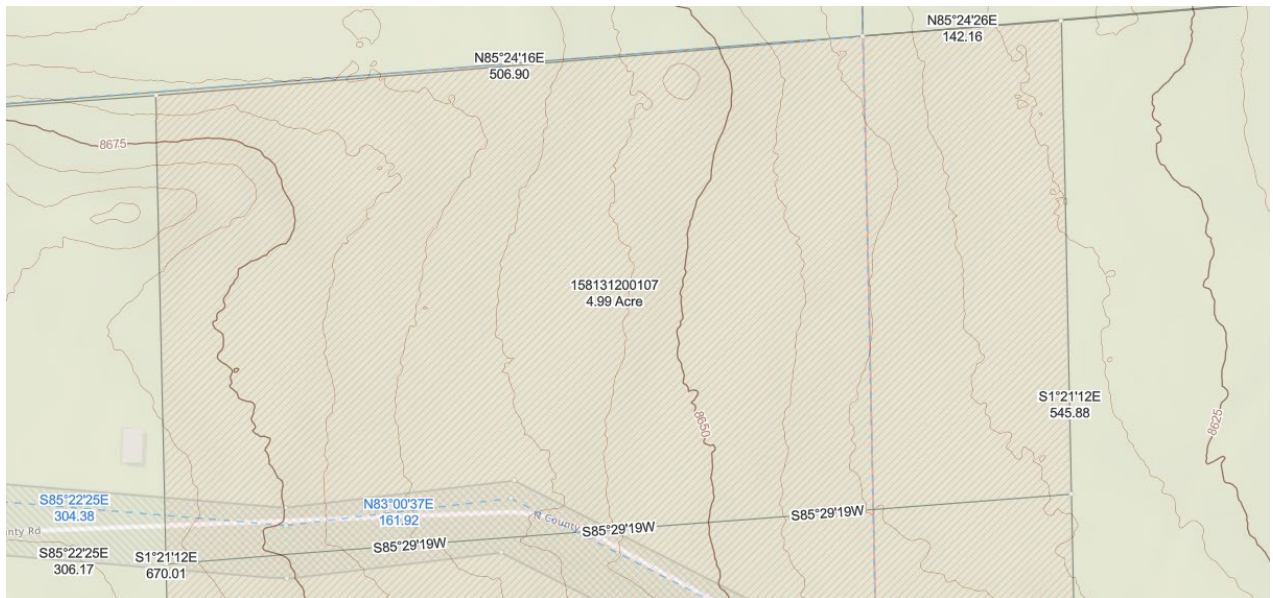
- To preserve trees located on the lot and make use of an existing cleared area.



- Reduce visibility of the proposed structure from CO Highway 119 (Peak-to-Peak Highway).
- Make use of previously dug test pits for a septic system.

The existing building envelope and proposed new building envelope are included in the attachments under RE-25-2 Replat Application and Materials (See attachment 1).

Site Location



Review and Approval Criteria

Section 9.1.2.c. of the Gilpin County Zoning Regulations specifies that “Approval is required to correct a plat; replat a lot, easement, or building envelope; vacate a recorded plat, right-of-way, or easement; or replat a subdivision.” While typically, building envelope moves are handled administratively by the Planner as per Section 02-18-04 of the Gilpin County Zoning Regulations, the approval of previous subdivision plat (Attachment 4) means that any changes to the building envelope would need to be approved by the Board of County Commissioners.

Background

The following is a timeline of events which occurred for 432 County Rd (the subject property under SBE 19-02P):

- September 3rd, 2019: Previous Owner of 432 North County Rd applied for a Subdivision Variance Request under BOA 19-02. This proposal was denied unanimously by the board.
- July 7th, 2020: The same owner applied for a Senate Bill Exemption (SBE 19-02) that included a subdivision and transfer of development rights from a parcel off Highway 72 (“Sending Site,” as described in Attachment 4, SBE-19-02P Resolution Packet, Exhibit A). After recess to Executive Session for legal counsel, the board found the amount of new information confusing and moved to continue the application which was passed with a vote of 3-0.
- July, 21st 2020 (Attachment 4): A preliminary subdivision exemption plat (SBE 19-02P) was brought to the Board of County Commissioners for approval. This plat proposal included a transfer of development rights from the Sending Site, as well as the subdivision of 432 County Rd, also known as Parcel B, into lots B1 and B2. The BoCC approved SBE 19-02P with a vote of 3-0 as shown, with the following conditions:
 1. A final exemption plat conforming to this Preliminary Plat as shown on Exhibit B shall be presented to the BoCC for Approval.
 2. Building envelopes not to exceed 25% of the land are of each newly created lot shall be delineated on the Final Exemption Plat.
 3. The TDR sending site shall be restricted from future development via conservative easement or deed restriction provided to Gilpin County.
 4. The Preliminary Plat shall expire after 4 years for its approval date in the event conditions 1,2, and 3 above are not fully met.
- July 15th, 2021 (Attachment 4): A signed Final Plat was submitted to the Gilpin County Clerk and Recorders that included a division of the 10-acre parcel into two lots (titled B1 and B2 within the preliminary plat) and a Transfer of Development Rights from the sending site off 72 West to Parcel B. Resolution SBE-19-02P (Revised) was recorded with



the final plat, indicating that a revised version of Resolution SBE-19-02P was adopted on July 6, 2021 by the BoCC. The plan was approved with a vote of 3 to 0.

Resolution 25-121

While doing research for RE-25-02 staff found SBE 19-02P, identified as the revised resolution adopted on July 6, 2021, which also cites the original version of said resolution having been adopted on July 21, 2020. However, staff was unable to locate this original resolution to compare the two versions and verify exactly what changes had been made. The revised resolution, having been adopted approximately one year after the original version and having been recorded alongside the final plat, seem to indicate that the 4 conditions for approval (listed in the Background timeline above) were met and everything was finalized by the BoCC at that meeting. Staff was unclear on this point due to the revised resolution not explicitly stating that the conditions had been met and that the matter was finalized. Staff sought to verify and gain clarity through review of the minutes from the BoCC meeting on July 6, 2021.

Unfortunately, staff found no evidence in the meeting minutes of July 6th, 2021 that the final Exemption Plat was brought before the BoCC (condition 1) and no record of this resolution having been adopted. However, due to the intent of the board through the previous meeting minutes, (Attachment 5) and the presence of the BoCC Chair's notarized signature on Resolution SBE 19-02P, and the fact that this resolution was recorded with the final plat, staff considers SBE 19-02P valid and believes that this matter was erroneously excluded from the meeting minutes.

Due to the lack of clarity within the existing resolution and associated records, staff is requesting that the BoCC approve a new resolution, Resolution 25-121, to reaffirm Resolution SBE 19-02P's legitimacy and explicitly state in the records associated with this parcel that the previous conditions have been met, making the existing plat valid without question.

Staff Recommendations

RE-25-2

Staff are recommending **approval** of this building envelope move. The proposed building envelope complies with the criteria outlined in Section 02-18-04 of the Gilpin County Zoning Regulations as well as with the 25% land area size established under SBE-29-02P.

1. The lot line/building envelope adjustment complies with these standards and regulations, and the original conditions of approval.
2. Nonconforming lots are not created, and in the case of nonconforming lots, the nonconformity is not increased.
3. The lot line/building envelope adjustment is in keeping with the purpose and intent of the subdivision regulations.
4. The approval will not adversely affect the public health, safety, and welfare.



Reaffirmation of SBE 19-02P

Staff is recommending **approval of Resolution 25-121 prior to approval of Resolution RE-25-2**, in order to clarify prior approvals on the subject property, thereby reducing confusion for staff, the property owners, the public, and the BoCC in considering any future requests related to the parcel.

Possible Actions

Resolution 25-121

1. Approval - Explicitly states that the conditions required by SBE 19-02P (C&R# 169722) have been met, eliminating any confusion regarding the status of the plat on the subject property.
2. Approval with Conditions – Approval subject to conditions deemed appropriate by the BoCC.
3. Denial – No reaffirmation of SBE 19-02P will be made.
4. Continuance – Defers action to a later meeting (date certain). The established, recorded resolution remains in effect. The Board may request additional information (e.g., technical materials, agency comments, or other) to be submitted before the continued hearing.

Resolution RE-25-2

1. Approval - Approves relocation of the building envelope as depicted in the application. The existing building envelope is superseded. Subsequent reviews and permits remain required, and building-permit processing will proceed in accordance with standard procedures.
2. Approval with Conditions – Approval subject to conditions deemed appropriate by the BoCC.
3. Denial – Leaves the building envelope established in 2021 shown in effect. The petitioner may pursue a building permit consistent with the existing envelope or submit a new application requesting different relief. Any permit timelines will depend on the petitioner's submittals and standard review processes.
4. Continuance – Defers action to a later meeting (date certain). The established, recorded building envelope remains in effect during the continuance. The Board may request additional information (e.g., technical materials, agency comments, or other) to be submitted before the continued hearing.

Public Noticing

In accordance with the Zoning Regulations Sec. 1.5 staff posted a legal ad on the Mountain Ear (9.25.25), sent out written notices to adjacent properties (10.13.25), and posted a sign on the subject property (10.14.25). See Attachment 6 for more information.



Report Attachments

Attachment 1: RE-25-2 Replat Application and Materials (p. 6 - 8)

Attachment 2: Photos from Site Visit on October 20, 2025 (p. 8-18)

Attachment 3: Assessor's Property Report (p. 19-20)

Attachment 4: SBE19-02P Resolution Packet (p. 21-29)

Attachment 5: BoCC Meeting Minutes [Meetings 9.3.19, 7.7.20, and 7.21.20] (p. 30-32)

Attachment 6: Public Noticing (p. 33-35)



TOPOGRAPHIC SITE PLAN FOR: RYAN ROBERTS
435 NORTH COUNTY ROAD, ROLLINSVILLE, COLORADO, 80474

LOCATED IN THE N 1/4 OF SECTION 31,
TOWNSHIP 2 SOUTH, RANGE 72 WEST, 6TH P.M.,
COUNTY OF GILPIN, STATE OF COLORADO.
SHEET 1 OF 2

LEGAL DESCRIPTION

THAT PORTION OF SECTION 31, TOWNSHIP 1 SOUTH, RANGE 72 WEST OF THE 6TH P.M., SHOWN AS PARCEL B1 ON NORTH COUNTY ROAD EXEMPTION PLAT RECORDED JULY 15, 2021, RECEPTION NO. 169724, COUNTY OF GILPIN, STATE OF COLORADO.

NOTES

METHOD OF SURVEY: RTK DIFFERENTIAL GPS SURVEY USING TRIMBLE R580 AND R8.

THIS SURVEY MEETS OR EXCEEDS THE MINIMUM STANDARDS AND REQUIREMENTS FOR LAND SURVEYS AND PLATS AS PER C.R.S. SECTION 38-51-106.

NOTICE:

1. ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SITE PLAN WITHIN THREE YEARS AFTER YOU DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BE BASED UPON ANY DEFECT IN THIS SITE PLAN, COMMENCING MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.

2. THIS SITE PLAN, AND THE INFORMATION HEREON, MAY NOT BE USED FOR ANY ADDITIONAL OR EXTENDED PURPOSES BEYOND THAT FOR WHICH IT WAS INTENDED AND MAY NOT BE USED BY ANY PARTIES OTHER THAN THOSE TO WHICH IT IS CERTIFIED.

3. THIS SURVEY IS ONLY VALID IF PRINT HAS SEAL AND SIGNATURE OF THE SURVEYOR.

4. A TITLE COMMITMENT WAS NOT PROVIDED BY THE CLIENT, AND PER C.R.S. 38-51-106 (b) II, CLIENT DOES NOT WANT RIGHTS-OF-WAY AND EASEMENTS SHOWN BASED ON FURTHER RECORD RESEARCH BY THE LAND SURVEYOR OTHER THAN EASEMENTS AND RIGHTS-OF-WAYS WHICH WERE DILIGENTLY DISCOVERED IN THE RECORDS OBTAINED BY THIS SURVEYOR.

5. ONLY SURFACE EVIDENCE OF UTILITIES VISIBLE AT THE TIME OF THE FIELD WORK IS SHOWN HEREON. ALL UNDERGROUND UTILITIES MUST BE FIELD LOCATED BY THE APPROPRIATE AGENCY OR UTILITY COMPANY PRIOR TO ANY EXCAVATION, PURSUANT TO C.R.S. SEC. 9-1-5-103.

6. ANY PERSON WHO KNOWINGLY REMOVES, ALTERS, OR DEFACES, ANY PUBLIC LAND SURVEY MONUMENT AND/OR BOUNDARY MONUMENT OR ACCESSORY, COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE C.R.S. SEC 18-4-508.

7. DISTANCE MEASUREMENTS SHOWN HEREON ARE BASED ON THE U.S. SURVEY FOOT.

8. BASIS OF BEARING: THE NORTH SOUTH CENTERLINE OF SECTION 31, TOWNSHIP 2 SOUTH, RANGE 72 WEST, 6TH P.M., FOUND MONUMENTS BEING A 2" ALUMINUM CAP MARKED 27258 1/16 S31 2000" ON 5/8" REBAR AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 31, AND A 3.25" ALUMINUM CAP MARKED USDA FOREST SERVICE C 1/4 SEC 31 T1S R 72W LS 16406 2011" AT THE CENTER QUARTER CORNER OF SECTION 31, LINE BEARS NORTH 01°21'12" WEST A MEASURED DISTANCE OF 1338.72 FEET. ALL BEARINGS AND DISTANCES CONTAINED HEREIN RELATIVE THERETO.

9. DATES OF FIELD WORK: MAY 20, 2025.

10. EASEMENTS NOT OF RECORD MAY BE LOCATED ON THE PROPERTY.

11. THE TOTAL AREA OF THE PROPERTY IS 217,219 SQUARE FEET OR 4.99 ACRES MORE OR LESS.

LEGEND

- INDICATES FOUND SURVEY MARKER AS NOTED.
- ▲ INDICATES SET SURVEY CONTROL 40 DIME SPIKE WITH WHISKERS.
- INDICATES SET WOODEN LATH.
- INDICATES UTILITY POLE



BENCHMARK:

FOUND 2" ALUMINUM CAP MARKED 27258 1/16 S31 2000" ON 5/8" REBAR AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 2 SOUTH, RANGE 72 WEST, 6TH P.M.,

ELEVATION 8638.77'

DATUM: NAVD 1988 PER THE TRIMBLE RTX NETWORK

SURVEYORS CERTIFICATE

I, JESSE J. HUEY, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF, DO HEREBY CERTIFY SPECIFICALLY AND ONLY TO RYAN ROBERTS THAT IN JUNE 2025, A PROPERTY SURVEY WAS MADE BY ME OR MY RESPONSIBLE CHARGE TO NORMAL STANDARDS OF CARE OF A PROFESSIONAL LAND SURVEYOR PRACTICING IN THE STATE OF COLORADO, THAT THE PLAT HEREIN IS AN ACCURATE REPRESENTATION OF THE PROPERTY AS DETERMINED BY THIS SURVEY. ALL NOTES SHOWN HEREON ARE A PART OF THIS CERTIFICATION. THE ENCROACHMENTS, EASEMENTS, RIGHT OF WAYS OR PASSAGEWAYS ACROSS SAID PROPERTY THAT ARE IN EVIDENCE OR KNOWN TO ME, ARE SHOWN TO THE BEST OF MY KNOWLEDGE AND BELIEF. THE SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY HUEY SURVEYING LLC TO DETERMINE OWNERSHIP OF THIS TRACT OR TO VERIFY THE DESCRIPTION SHOWN, THE COMPATIBILITY OF THIS DESCRIPTION WITH THAT OF ADJACENT TRACTS, NOR EASEMENTS OF RECORD.

JESSE J. HUEY 38290 REGISTRATION NO. DATE

HUEY SURVEYING LLC

2892 Jay Road

Boulder, Colorado 80301

Tel: (720) 545-8806

Email: hueysurveying@gmail.com

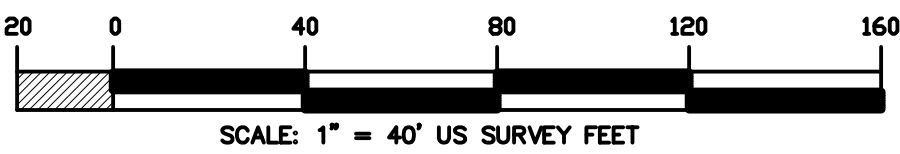
JOB NO. 623

DRAWING: 623 - 435 NORTH COUNTY ROAD.DWG

DATE: JUNE 16, 2025, UPDATED 8-18-25

DRAWN BY: J. HUEY

SHEET 1 OF 2: (EXISTING CONDITIONS)



TOPOGRAPHIC SITE PLAN FOR: RYAN ROBERTS
435 NORTH COUNTY ROAD, ROLLINSVILLE, COLORADO, 80474

LOCATED IN THE N 1/4 OF SECTION 31,
TOWNSHIP 2 SOUTH, RANGE 72 WEST, 6TH P.M.,
COUNTY OF GILPIN, STATE OF COLORADO.
SHEET 2 OF 2

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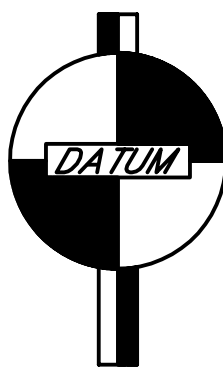
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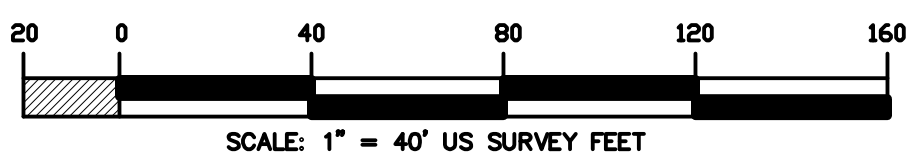
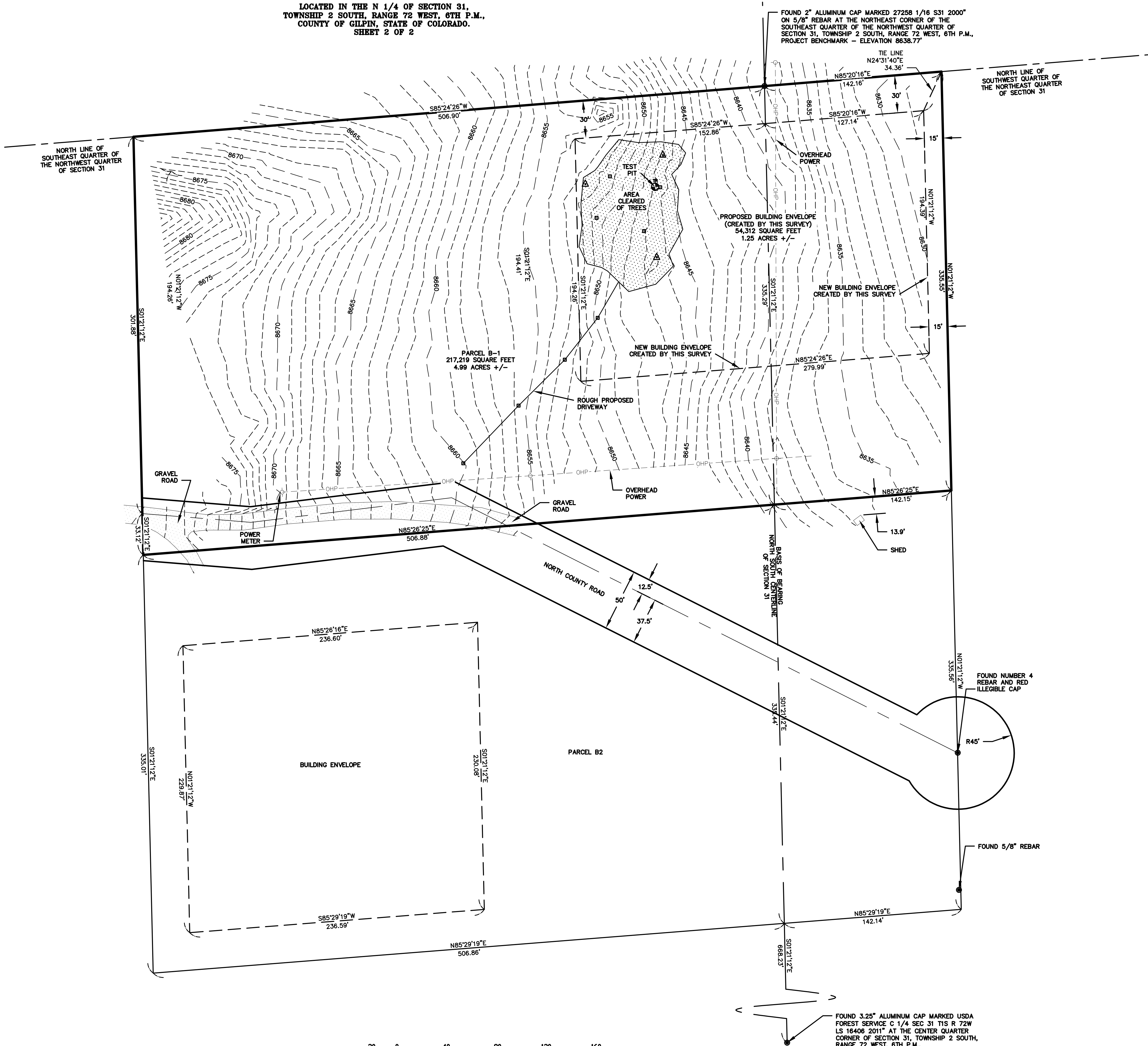
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DATE: JUNE 16, 2025. UPDATED 8-18-25
DRAWN BY: J. HUEY
SHEET 2 OF 2: (EXISTING CONDITIONS & PROPOSED BUILDING ENVELOPE)

























Gilpin County Assessor Data Site

April Nielsen, P.O. Box 338, Central City, CO, 80427

(P) 303 582-5451 | (F) | (E) anielson@gilpincounty.org

Account Information

ACCOUNTNUMBER	R114878
ACCOUNTTYPE	RealAccount
XCLASSDESC	VACANT LAND
XPROPERTYCODE	0520
XPROPERTYCODEDESC	VACANT 1- 4.99 ACRE
PARCELNUMBER	158131200107
SITUS2	BLACK HAWK CO 80422
LEGALSUMMARY	S: 31 T: 1S R: 72W Lot: PCL B1 A TRACT OF LAND CREATED BY SBE 19-02P DESC #169722 4.99AC FORMERLY KNOWN AS A TRACT OF LAND CREATED BY BLA 92-1 DESC 536/83 PT OF THE N1/2 SE1/4 NW1/4
CITY	BLACK HAWK
ZIP	80422
NEIGHBORHOOD	500_OUTLYING AREA
PLSSLEGAL	S: 31 T: 1S R: 72W
PLSSLEGAL_RANGE	72W
PLSSLEGAL_TOWNSHIP	1S
PLSSLEGAL_SECTION	31
TAXAREOID	058_TAX AREA 58-TIMBERLINE FD - 058
OWNERNAME	ROBERTS RYAN E
OWNERADDRESS	PO BOX 310 ROLLINSVILLE, CO 80474
CONFIDENTIAL	0
MODELLIST	1-MODEL_LAND

Additional Owner Details

Owner Name	Owner Address
ROBERTS RYAN E	PO BOX 310 ROLLINSVILLE, CO 80474

Sales Information

Date	Deed Type	Doc Number	Grantor	Grantee	Amount
12/06/2024	388	177584	FREYMUTH PETER	ROBERTS RYAN E	270,000
09/30/2021	388	170544	FREYMUTH FLORIAN	FREYMUTH PETER	300,000
10/12/2001	WD	109907	CANN NANCY B	FREYMUTH FLORIAN	125,000

Values and Estimated Taxes

Tax Year	Taxable	Actual	Mill Levy	Estimated Tax
2023	\$62,650.00	\$224,550.00	66.281	\$4,152.50
2024	\$62,650.00	\$224,550.00	66.785	\$4,184.08
2025	\$57,930.00	\$214,570.00	66.785	\$3,868.86

Property Details

Model	Attribute Name	Attribute Value
LAND 1	19	
	NEIGHBORHOOD	500_OUTLYING AREA

Gilpin County Assessor Data Site

April Nielsen, P.O. Box 338, Central City, CO, 80427

(P) 303 582-5451 | (F) | (E) anielsen@gilpincounty.org

Model	Attribute Name	Attribute Value
LAND 1	ABSTRACT_CODE	0520_VACANT 1- 4.99 AC
	LAND_CODE	52000_VAC 1-<5 AC
	ACTUALAREA	4.9900
	USE_CODE	1000_RESIDENTIAL

Property Images



RESOLUTION SBE 19-02P
BEFORE THE BOARD OF COUNTY COMMISSIONERS
COUNTY OF GILPIN

RESOLUTION APPROVING A SUBDIVISION EXEMPTION PRELIMINARY PLAN THAT WOULD
DIVIDE S: 31 T: 1S R: 72W PT OF THE N 1/2 SE 1/4 NW 1/4 LOT: PCL B A TRACT OF LAND
CREATED BY BLA 92-1 DES 536/83 (LESS EASEMENT DES 541/44), OTHERWISE KNOWN AS 432
NORTH COUNTY ROAD INTO PARCELS B1 AND B2 LOCATED IN S: 31 T: 1S R: 72W PT OF THE N
1/2 SE 1/4 NW 1/4 GILPIN COUNTY, COLORADO

(FLORIAN FREYMUTH, APPLICANT)

WHEREAS, 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 with the purposes of C.R.S. 30-28-101, Part 1; and,

WHEREAS, the Board of County Commissioners has determined that the above-referenced land division is consistent with Gilpin County subdivision exemption regulations and therefore not within the purpose of C.R.S. 30-28-101.

NOW THEREFORE, be it resolved by the Board of County Commissioners of the County of Gilpin that the above-referenced subdivision exemption preliminary plan is hereby approved as shown on attached Exhibits A & B subject to the following conditions:

1. A final Exemption Plat conforming to this Preliminary Plan as shown on Exhibit B shall be presented to the BOCC for approval.
2. Building envelopes not to exceed 25% of the land are of each newly created lot shall be delineated on the Final Exemption Plat.
3. The TDR sending site shall be restricted from future development via conservation easement or deed restriction provided to Gilpin County.
4. The Preliminary Plan approval shall expire 4 years for its approval date in the event conditions 1, 2, and 3 above are not fully met.

ORIGINALLY ADOPTED this 21st day of July, 2020, by a vote of 3 to 0.

REVISED VERSION ADOPTED this 06th day of July, 2021, by a vote of 3 to 0.

ATTEST:

Sharon Cate
Sharon E. Cate, Deputy Clerk

GILPIN COUNTY
BOARD OF COUNTY COMMISSIONERS

Linda Isenhart
Linda Isenhart, Chair

ACKNOWLEDGMENT

STATE OF COLORADO)
) ss
COUNTY OF GILPIN)

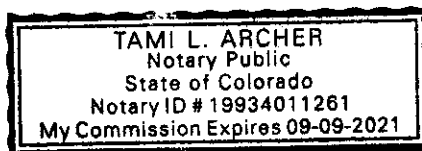
The foregoing Resolution was acknowledged before me this 13 day of July, 2021, by
Linda Isenhart, Chair, and Sharon Cate, Deputy County Clerk, County of
Gilpin.

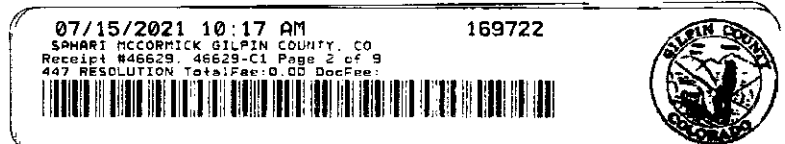
Witness my hand and official seal.

My commission expires: 09-09-2021

Notary Public

Tami L. Archer



**After Recording Return To:**

Gilpin County
P.O. Box 661
203 Eureka St.
Central City, Colorado 80427

Deed Restriction – Restrictive Covenant

State of Colorado, Gilpin County

Grantor, whose legal address is 148 Valley Road, Nederland, Colorado 80466 ("Grantor"), executes this Deed Restriction – Restrictive Covenant ("Restrictive Covenant") in favor of Gilpin County through its Board of County Commissioners, whose legal address is P.O. Box 661, 203 Eureka St., Central City, Colorado, 80427 ("County"). This Restrictive Covenant is required pursuant to Gilpin County Board of County Commissioner Resolution No. SBE 19-02P authorizing the transfer of development rights per Gilpin County Zoning Regulation 3.5 involving real property - two separate parcels of land owned by Grantors. These real properties are described as follows:

See attached Exhibit A which is made a part hereof and incorporated herein by reference ("Sending Site"). The Sending Site is also shown in detail in the attached County map marked as **Appendix 1** and is described in detail in that certain Warranty Deed recorded on July 10, 2003 at Reception No. 117972 in the records of the Clerk and Recorder for Gilpin County, Colorado.

See attached Exhibit B which is made a part hereof and incorporated herein by reference ("Receiving Site"). The Receiving Site is shown in detail in the attached County map attached as **Appendix 2** and is described in detail in that certain Warranty Deed recorded on October 16, 2001 at Reception No. 109907 in the records of the Clerk and Recorder for Gilpin County, Colorado.

Grantor is transferring the development rights from the Sending Site to the Receiving Site per Gilpin County Zoning Regulation 3.5. This transfer prohibits development of the Sending Site per Zoning Regulation 3.5. In accordance with Gilpin County Zoning Code 3.5 and the terms of Gilpin County Board of County Commissioner Resolution No. SBE 19-02P, the aforementioned Sending Site is hereby restricted from future development in perpetuity. This restriction includes without limitation any construction, improvement, or other development of any kind on the Sending Site, excepting driveways, underground utilities, leach fields and wells. These restrictions constitute an encumbrance and restrictive covenant running with the land – the Sending Site in perpetuity. This Deed Restriction – Restrictive Covenant constitutes a restrictive covenant in favor of Gilpin County acting through the Board of County Commissioners. This restrictive covenant remains in effect regardless of any amendment or discontinuation of Gilpin County's current Zoning Regulation 3.5.



IN WITNESS HEREOF, Grantor has executed this Deed Restriction – Restrictive Covenant
this 25 day of January, 2021.

GRANTOR:

Florian Freymuth
Florian Freymuth

Address: 148 Valley Road, Nederland, Colorado 80466

Notary Acknowledgment

State of Colorado)
) ss.
County of Boulder)

I certify that the foregoing instrument was acknowledged before me by this 25 day of
January, 2021.

Witness my hand and official seal.

Notary Public: Alexis Aguiar Threlkeld
My Commission Expires: 4/14/2024

SEAL

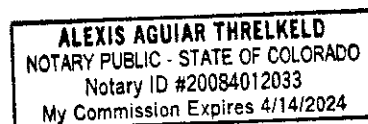




EXHIBIT A
(Sending Site Legal Description)

All that part of the North $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of Section 29, Township 1 South, Range 72 West of the 6th P.M., described as follows:

Beginning at the Southeast Corner of said North $\frac{1}{2}$ Southeast $\frac{1}{4}$; thence North along the East Line of said North $\frac{1}{2}$ Southeast $\frac{1}{4}$ a distance of 318 feet; then at angle of $86^{\circ}47'$ to the left, a distance of 110.5 feet to the True Point of Beginning, at the Southeast corner or parcel of land described in deed recorded in Book 218 at Page 550 of Gilpin County Recorder's records; thence North along the East boundary line of said parcel of land a distance of 310 feet to the Southeasterly boundary line of Colorado State Highway No. 72; thence Southeasterly along said Southerly boundary line a distance of 115.98 feet; thence South and parallel to the East line of said North $\frac{1}{2}$ Southeast $\frac{1}{4}$, a distance of 290 feet; thence Northwesterly on a straight line, a distance of 110.5 feet to the True Point of Beginning, County of Gilpin, State of Colorado.



EXHIBIT B
(Receiving Site Legal Description)

That tract of ground shown as Parcel B on Boundary Line Adjustment Plat recorded February 10, 2000, in Book 687 at Page 440, more particularly described as follows:

That part of the SE 1/4 NW 1/4 and the SW 1/4 NE 1/4 of Section 31, T. 1 S, R. 72 W of the 6th P.M., Gilpin County, Colorado, described as,

Beginning at the NW corner of said SW 1/4 NE 1/4; thence N 85°18'14" E along the North line of the said SW 1/4 NE 1/4, 142.16 feet;

thence S 01°21'12" E, 671.19 feet;

thence S 85°29'19" W, 649.00 feet;

thence N 01°21'12" W, 670.01 feet to a point on the North line of said SE 1/4 NW 1/4;

thence N 85°24'26" E along the said North line, 506.90 feet to the Point of Beginning,

TOGETHER WITH a 50 foot access road easement the line from which the Northerly R.O.W. line lies 12.5 feet Northerly of and the Southerly R.O.W. line lies 37.5 feet Southerly of is described as,

Beginning at a point on the West line of Parcel A (as described on said Boundary Line Adjustment Plat), from which point the NW corner of said Parcel A bears N 02°53'54" W, 20.95 feet and from which point the NW corner of said SE 1/4 NW 1/4 bears N 04°51'54" W 311.55 feet;

thence along the said centerline the following courses and distances:

(1) S 82°41'40" E, 143.13 feet;

(2) N 69°55'18" E, 311.37 feet;

(3) N 88°28'57" E, 160.87 feet;

(4) S 85°22'25" E, 217.56 feet to a point on the West line of the above described Parcel B from which point the NW corner of said Parcel B bears N 01°21'12" W, 301.89 feet;

SUBJECT TO a 50 foot access road easement the line from which the Northerly R.O.W. line lies 12.5 feet Northerly and the Southerly R.O.W. line lies 37.5 feet Southerly of is described as,

Beginning at a point on the West line of the above described Parcel B from which point the NW corner of said Parcel B bears N 01°21'12" W, 301.89 feet;

thence along the said centerline the following courses and distances:

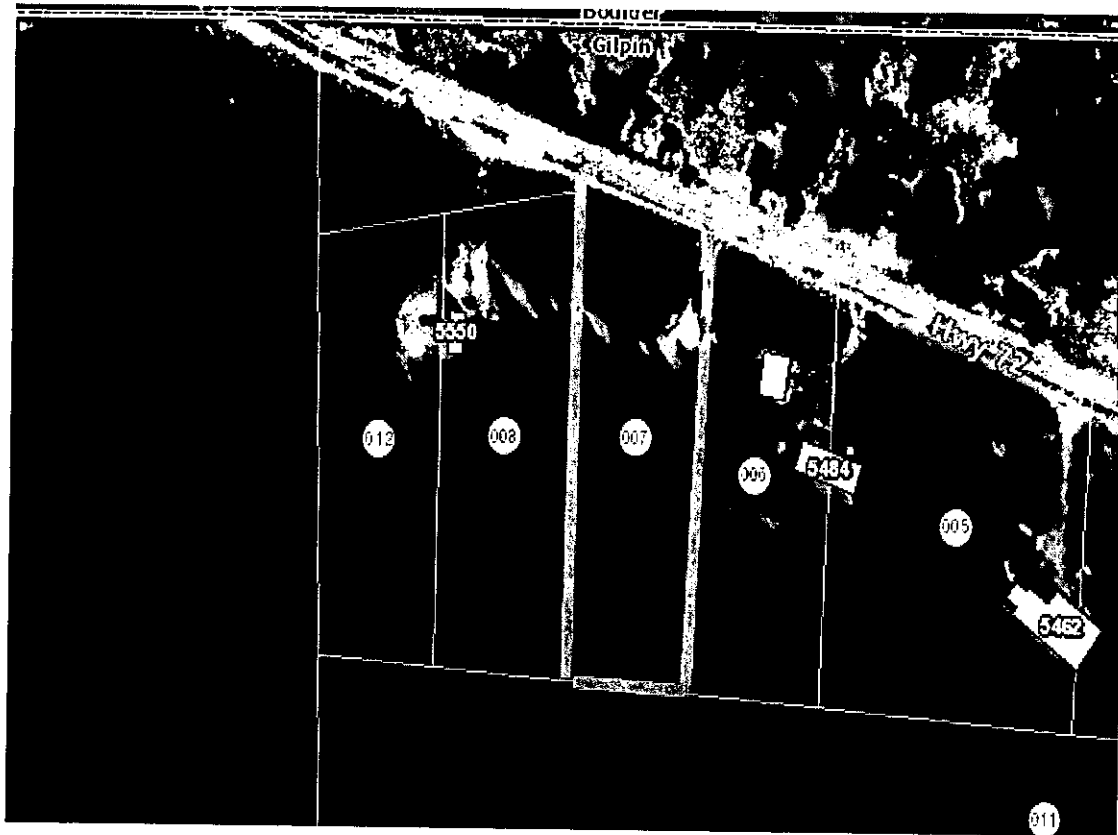
(1) S 85°22'25" E, 86.82 feet;

(2) N 83°00'37" E, 161.92 feet;

(3) S 63°14'47" E, 454.07 feet to the center of a 45 foot radius cul-de-sac and which point is on the East line of said Parcel B, for which point the SE corner of said Parcel B bears S 01°21'12" E, 125.30 feet.

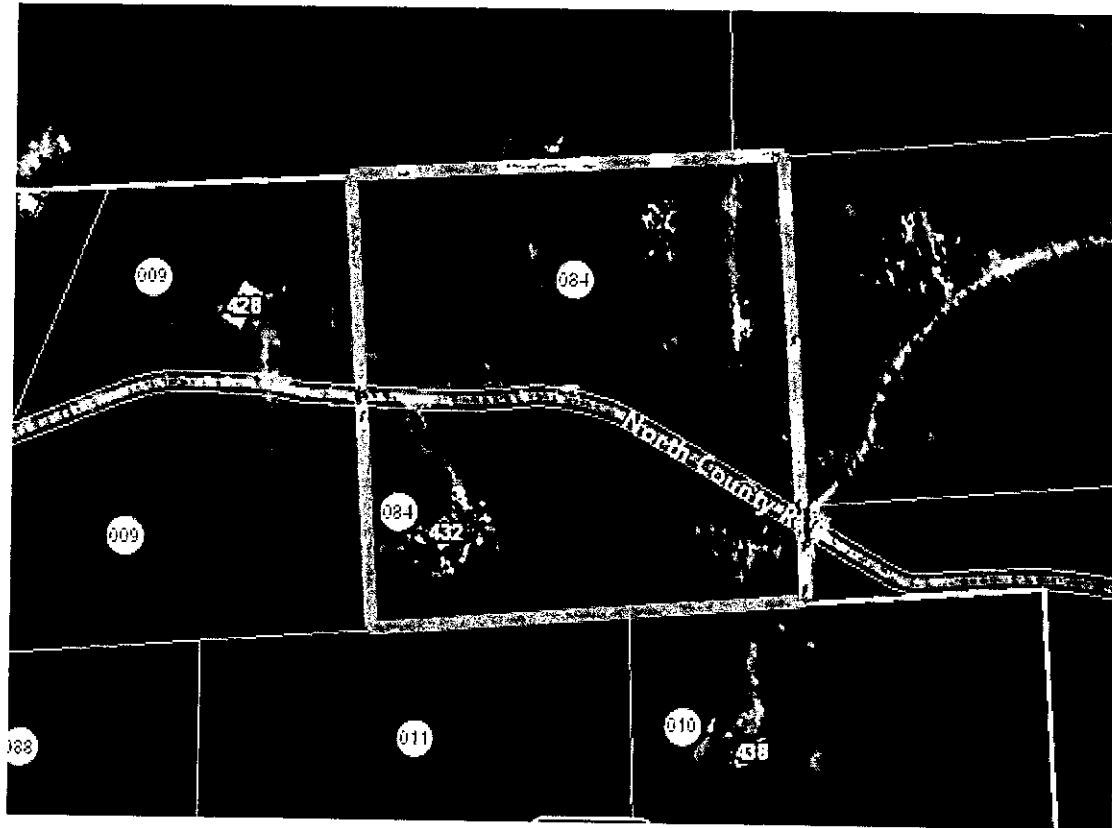


APPENDIX 1
(Sending Site)





APPENDIX 2
(Receiving Site)



SHEET 1 OF 2

28



GENERAL NOTES

1) NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST KNOW OR SHOULD KNOW OF SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

2) THE BASIS OF BEARINGS FOR THIS SURVEY IS THE BEARING BEARING UP N01°21'12"W ALONG THE NORTH-SOUTH CENTERLINE OF SECTION 31 FOR THE BOUNDARY LINE ADJUSTMENT PLAT FILED AS BLA 92-1 IN BOOK 536 AT PAGE 83 AS RECEPTION NO. 76140.

3) THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT AND DOES NOT CONSTITUTE A TITLE SEARCH BY STARR PEAK SURVEYING, LLC. TO DETERMINE TITLE OR EASEMENTS OF RECORD. THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE: EASEMENTS, OTHER THAN POSSIBLE EASEMENTS THAT WERE VISIBLE AT THE TIME OF THIS SURVEY, BUILDING SETBACK LINES, RESTRICTIVE COVENANTS, SUBDIVISION RESTRICTIONS, ZONING OR OTHER LAND-USE REGULATIONS, AND ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

4) THE ENTIRE SURVEYED PARCEL SHOWN HEREON CONTAINS 9.99 ACRES SUBDIVIDED INTO 2 EQUAL LOTS.

5) THIS DRAWING IS BASED ON A FIELD SURVEY PERFORMED & COMPLETED BY STARR PEAK SURVEYING ON OR ABOUT APRIL 25, 2018.

6) THE BUILDING ENVELOPES AS SHOWN HEREON WERE CREATED TO ENCOMPASS ANY EXISTING STRUCTURES ON THE SURVEYED PARCELS AND WERE CREATED TO BE 25% OF THE TOTAL AREA OF EACH OF THE ADJACENT PARCELS.

7) IT APPEARS THAT THE SURVEYOR WHO SET THE 3" REBAR WITH PLASTIC CAPS SET THE MONUMENTS HOLDING THE NORTH LINE OF THE CORONA HEIGHTS SUBDIVISION, TO THE SOUTH OF THE SURVEYED PARCEL. THE CORONA HEIGHTS SUBDIVISION IS KNOWN TO BE SHIFTED AND ROTATED OFF THE SECTION LINES. THEY ARE INTENDED TO BE TIED TO THE SURVEYED PARCELS SHOWN HEREON IS TIED TO AND SHOWN IN RELATIONSHIP TO THE SECTION MONUMENTS FOUND AND LOCATED DURING THE COURSE OF THIS SURVEY. SEE THE CORNER DIAGRAM ON SHEET 1.

NORTH COUNTY ROAD, EXEMPTION PLAT

FINAL PLAT

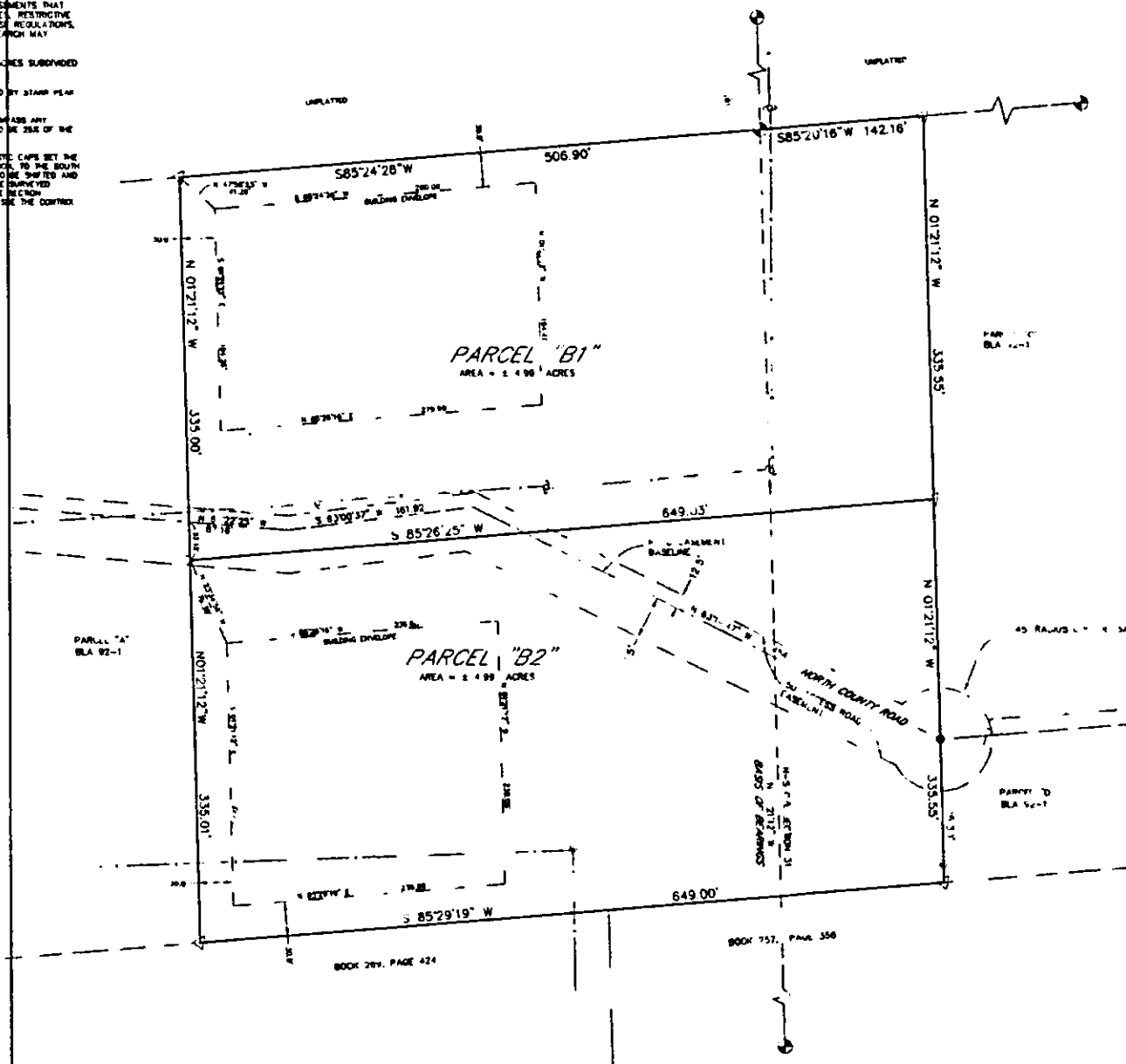
A MINOR SUBDIVISION OF PARCEL "B", BLA 92-1, REC. No 76067, IN BOOK 536, PAGE 83
SITUATED IN SECTION 31,
TOWNSHIP 2 SOUTH, RANGE 72 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
COUNTY OF GILPIN, STATE OF COLORADO
SHEET 2 OF 2

LEGAL DESCRIPTION: PARCEL B1

PARCEL "B1" BEING THE NORTH HALF OF A TRACT OF GROUND SET FORTH AS PARCEL B ON BOUNDARY LINE ADJUSTMENT PLAT RECORDED DECEMBER 11, 1992 AS RECEPTION NO. 76067 AND AS ATTACHED TO RE-ILLUSTRATION APPROVING BOUNDARY LINE ADJUSTMENT NO. BLA 92-1, RECORDED IN BOOK 536 AT PAGE 83, COUNTY OF GILPIN, STATE OF COLORADO.

LEGAL DESCRIPTION: PARCEL B2

PARCEL "B2" BEING THE SOUTH HALF OF A TRACT OF GROUND SET FORTH AS PARCEL B ON BOUNDARY LINE ADJUSTMENT PLAT RECORDED DECEMBER 11, 1992 AS RECEPTION NO. 76067 AND AS ATTACHED TO RE-ILLUSTRATION APPROVING BOUNDARY LINE ADJUSTMENT NO. BLA 92-1, RECORDED IN BOOK 536 AT PAGE 83, COUNTY OF GILPIN, STATE OF COLORADO.



LEGEND

- FOUND ADJUT SECTION CORNER
SEE CONTROL DIAGRAM ON SHEET 1
- FOUND 1/2" REBAR W/ EMBLEEM PLASTIC CAP
NOT ACCEPTED - SEE NOTE 7
- FOUND 3/8" REBAR
- FOUND 5/8" REBAR W/ PLASTIC CAP
STAMPED "TMS 27250"
- SET 5/8" REBAR W/ YELLOW P.L. CAP
STAMPED "STARR PEAK LS 3488"
- EXISTING FENCE
- UTILITY POLE & OVERHEAD UTILITIES



NORTH COUNTY ROAD EXEMPTION PLAT
FINAL PLAT
APPLICANT & DEVELOPER:
FLORIAN FRIEDMUTH
148 VALLEY ROAD
MEDICINE HAT, CO 80466
SURVEYOR:
STARR PEAK SURVEYING
DANIEL MARTIN
840 TAYLOR DRIVE
BLAKE, CO 80422
P.O. BOX 642-0818
SHEET 2 OF 2 REC. 23, 0000

07/15/2021 10:17 AM
SOPHIE MCCORMICK GILPIN COUNTY, CO
Receipt #46629-46629-C1 Page 9 of 9
447 RESOLUTION Total Fee: \$ 0.00 Doc Fee:
447 RESOLUTION Total Fee: \$ 0.00 Doc Fee:



MINUTES OF THE MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
GILPIN COUNTY, COLORADO

September 3, 2019

A regular meeting of the Board of County Commissioners of Gilpin County was held on September 3, 2019, at the Gilpin County Courthouse. Chair Linda Isenhardt called the meeting to order at 9:07 a.m. In attendance were Chair Isenhardt, Commissioner Gail Watson, Commissioner Ron Engels, County Attorney Bradford Benning, and Deputy Clerk to the Board Sharon Cate. County Manager Abel Montoya was absent.

Public Hearing—Subdivision Variance Request, BOA #19-02. Chair Isenhardt opened the public hearing for a variance request that would permit a subdivision exemption for Florian Freymuth, 432 North County Road. Community Development Director Stephen Strohming presented the application saying that if the subdivision exemption was approved, that exemption would be offset by Mr. Freymuth's additional proposals:

- reconfigure three other lots he owns on State Highway 72 into two lots, then transfer the development rights to the property at 432 N. County Road
- consolidate four other lots he owns on SH 72 into one lot

Director Strohming recommended approval of the application for subdivision exemption and the two proposals, as one developable lot would be eliminated, and it would decrease the number of potential building sites on SH 72. Applicant Florian Freymuth was present.

Chair Isenhardt opened the hearing to public comment. Those who gave public comment were:

Rick Waddell, 438 N. County Road, read his prepared statement, plus prepared statements from Jennifer Poitras, 428 N. County Road, and Irene Shonle and Tom Lambrecht, 425 N. County Road.
Sandy Hollingsworth, 224 N. County Road

Following public comment, Chair Isenhardt closed that portion of the hearing. Commissioner Engels moved to deny BOA #19-02, a subdivision exemption application for Florian Freymuth, 432 North County Road. Commissioner Watson seconded the motion, which passed by a vote of 3 to 0. Chair Isenhardt closed the public hearing at 9:53 a.m. (The legal recording of the public hearing, including any public comment, is an audio file available through the Clerk and Recorder's Office. In this case, written public comment was also submitted and will be attached to the approved meeting minutes.)

MINUTES OF THE MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
GILPIN COUNTY, COLORADO

July 7, 2020

A special meeting of the Board of County Commissioners of Gilpin County was held on July 7, 2020, in an online format; no physical meeting was held. Chair Gail Watson called the meeting to order at 9:00 a.m. In attendance were Chair Watson, Commissioner Linda Isenhardt, Commissioner Ron Engels, County Manager Abel Montoya, County Attorney Bradford Benning, and Deputy Clerk to the Board Sharon Cate.

SBE #19-02, 432 N. County Road. Community Development Director Stephen Strohming shared his computer screen for the online meeting and explained some changes to the GIS maps on the Gilpin County website that resulted in concern from some Corona Heights Subdivision residents. He then gave an overview of the application filed by Florian Freymuth for a senate bill 35 exemption, SBE #19-02, that would involve transfer of development

rights (TDR) Minor Subdivision. He recommended approval of the application, saying it was in compliance with the Zoning Regulations and provides deed restriction on a parcel on Highway 72.

Discussion followed, then Kim Lord, legal counsel to applicant Florian Freymuth, cited a chronological list of the events that led up to today's application. She noted that although Mr. Freymuth had filed a similar application last year, it was handled incorrectly as a variance request by former County staff, and it was now being presented in the correct format of a senate bill 35 exemption request with a TDR. She concluded her comments by saying that the application fits exactly into the County codes and should be approved. Attorney Kim Lord also stated that on February 20, 2020, she sent a letter to Community Development Director Strohmingier outlining the problem and the basis for a reimbursement of some fees, and she asked that this letter and another sent on June 3, 2020, be part of the official record of the Board's meeting today.

After further discussion with Community Development Director Strohmingier, Commissioner Engels moved to recess to Executive Session to receive legal advice under C.R.S. Section 24-6-402(4)(b) for a conference with the County Attorney for the purpose of receiving legal advice on specific legal questions. Commissioner Isenhart seconded the motion, which passed by a vote of 3 to 0. The Board was in Executive Session from 10:13 a.m. to 10:44 a.m.

Upon resuming the public meeting, Commissioner Watson said the application is very confusing and includes a significant amount of new information. Commissioner Engels moved to continue their consideration of application SBE #19-02 to July 21, 2020. Commissioner Isenhart seconded the motion, which passed by a vote of 3 to 0.

MINUTES OF THE MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
GILPIN COUNTY, COLORADO

July 21, 2020

A regular meeting of the Board of County Commissioners of Gilpin County was held on July 21, 2020, in an online format; no physical meeting was held. Chair Gail Watson called the meeting to order at 9:00 a.m. In attendance were Chair Watson, Commissioner Linda Isenhart, Commissioner Ron Engels, County Manager Abel Montoya, County Attorney Bradford Benning, and Deputy Clerk to the Board Sharon Cate.

SBE #19-02, 432 N. County Road. Commissioner Watson opened the review of an application for SBE #19-02, 432 N. County Road, by Florian Freymuth, clarifying that by trading the development right of a lot on Highway 72, it would have a deed restriction or a conservation easement on it and could never be built on. She further stated that this was a bad situation for the County and for her, as she had been granted the same type of transfer of development right (TDR) on property she owned. The Board had asked for a change in the Zoning Regulations last year, but that work has not been done.

Community Development Director Stephen Strohmingier informed the Board that the application met all of the criteria in the Zoning Regulations and that he recommended approval of the application with the following stipulations:

- Approve attached Resolution 19-02P
- Indicate the 25% building envelopes on Parcels B1 and B2 on North County Road in compliance with Section 3.6 of the Zoning Regulations
- Provide the conservation easement or deed restriction documents for Final Plat approval

Commissioner Engels asked staff to impose an immediate moratorium on Transfer of Development Rights until the Zoning Regulations updates can be completed, and said these types of actions should be based on community needs,

not lots that are many miles apart. He and Commissioner Isenhardt agreed that the process was flawed and that the Zoning Regulations should be improved very soon.

Commissioner Engels said that under protest and on advice of Counsel he would move to approve SBE #19-02 with the staff report stipulations listed above. Commissioner Isenhardt seconded the motion, which passed by a vote of 3 to 0. Commissioner Watson apologized to the applicant and the neighbors who were against this land action, saying today was not the County's finest hour.



October 13th, 2025

Re: NOTICE OF PUBLIC HEARING

Dear Property Owner,

You are receiving this notice because of your proximity to a property subject to a public hearing before the Gilpin County Board of Adjustment.

Notice is hereby given for a Public Hearing before the Gilpin County Board of County Commissioners acting as the Board of Adjustment to receive public input regarding a petition for a building envelope adjustment. Petitioners and owner of the subject property, Ryan Roberts, is seeking to relocate a previously established building envelope approved by SBE19-02P. Any and all documents pertaining to this matter may be viewed between the hours of 7:30 a.m. and 5:30 p.m., Monday through Thursday at the Historic Gilpin County Court House; Department of Community Development.

Legal Description: That portion of Section 31, Township 1 South, Range 72 West of the 6th P.M., Shown as Parcel B1 on North County Road Exemption Plat Recorded July 15, 2021, Recep on No. 169724. Also known as: R114878.

Location: Commissioner's Meeting Room at the Historic Gilpin County Court House, 203 Eureka St. Central City, Colorado, 80427, 9:30 am or later

Time: October 28th, 2025 at 9:30 a.m. or later

Agenda Item Title: RE-25-2

The meeting will be held in person and broadcast live via Zoom. Members of the public will be able to participate virtually. A link to the live broadcast can be found on the Gilpin County website under the public meetings tab. All interested persons wishing to be heard are invited to said public meeting. Written comments or questions can be emailed to:

bsmith@gilpincounty.org. The meeting may be continued from time to time as may be found necessary. Those individuals requiring special accommodation to participate please contact Jamie Boyle at (303)582-5831.

Sincerely,

Jack Zeman
Gilpin County Planner

NOTICE OF PUBLIC HEARING

Notice is hereby given for a Public Hearing before the Board of County Commissioners, in which the Board of County Commissioners will consider for approval a requested building envelope adjustment previously approved by the Board of County Commissioners via resolution SBE 19-02P

The public hearing will be held on October 28th, 2025 at 9:30 a.m. or later in the Commissioner's Meeting Room at the Historic Gilpin County Court House 203 Eureka St. Central City, Colorado. Any and all documents pertaining to this matter may be viewed between the hours of 7:30 a.m. and 5:30 p.m., Monday through Thursday at the Historic Gilpin County Court House; Department of Community Development.

Subject Property: That portion of Section 31, Township 1 South, Range 72 West of the 6th P.M., Shown as Parcel B1 on North County Road Exemption Plat Recorded July 15, 2021, Reception No. 169724. Also known as: R114878.

The meeting will be held in person and broadcast live via Zoom. Members of the public will be able to participate virtually. A link to the live broadcast can be found on the Gilpin County website under the public meetings tab. All interested persons wishing to be heard are invited to said public meeting. Written comments or questions can be emailed to:

jzeman@gilpincounty.org. This meeting may be continued as many times as may be found necessary. Those individuals requiring special accommodation to participate please contact Jamie Boyle at (303)582-5831.





BOA-25-3 - Request for a Retroactive Variance for 940 Missouri Flats Rd. From Section 2.3 of the Gilpin County Zoning Regulations to Allow a Previously-Constructed Barn to Remain Within the Required Setback

Agenda Item Staff Report, Board of County Commissioners

Requested by: Jamie Boyle, Director of Community Development, Community Development

Additional Presenters:

Meeting Date: October 28, 2025

Public Hearing Required? Yes

Background/Request Description: The applicants are requesting a retroactive variance from the setback requirement of 15 feet from the north property line to allow a previously-constructed barn to remain as built, with the northeast corner of the structure measuring 10 feet, 3 inches from said property line. The resulting reduction is 4 feet, 9 inches (or 32%) of the required setback.

Requested Action: Approve, approve with conditions, continue, or deny the application

Alternatives:

Fiscal Impacts: None.

Legal Impacts: None.

Environmental Impacts: None.

Human Resources Impacts: None.

Grant-Related? No.

**Before the Board of Adjustment
County of Gilpin, State of Colorado**

**APPROVING A RETROACTIVE VARIANCE FOR 940 MISSOURI FLATS RD., CENTRAL CITY (AAN:
R006455) FROM SECTION 2.3 OF THE GILPIN COUNTY ZONING REGULATIONS TO ALLOW A
PREVIOUSLY-CONSTRUCTED BARN TO REMAIN WITHIN THE REQUIRED SETBACK**

WHEREAS, Timothy White and Julie Marble-White (“Applicants”) are the owners of certain real property known as the Lorah Lode Mining Claim, U.S. Mineral Survey No. 820, recorded June 22, 1911 in Book 162, Page 96, excepting portions embraced in Survey Nos. 512, 513, and 582, County of Gilpin, State of Colorado, with a situs address of 940 Missouri Flats Road, Central City, CO 80427 (Assessor’s Account Number R006455) (“the Property”); and

WHEREAS, Colorado Revised Statutes § 30-28-118 permits any person aggrieved by their inability to obtain a building permit or by the decision of an administrative officer or agency made in the course of the administration or enforcement of the Gilpin County Zoning Regulations to appeal such decision to the Gilpin County Board of Adjustment (“Board”); and

WHEREAS, the Applicants submitted a petition seeking a retroactive variance from Section 2.3 of the Gilpin County Zoning Regulations, which requires a minimum setback of fifteen (15) feet from the north property line in the Resource Residential (RR) zoning district, in order to allow a previously constructed barn to remain in its current location approximately ten feet, three inches (10’3”) from the north property line — a reduction of four feet, nine inches (4’9”) or approximately thirty-two percent (32%) of the required setback; and

WHEREAS, the Board held a duly noticed public hearing on October 28, 2025, for which public notice was published, mailed, and posted in accordance with Section 1.6.F.6 of the Gilpin County Zoning Regulations; and

WHEREAS, the Board received and considered the staff report, exhibits, public testimony, and all evidence presented in the public record in connection with the variance application; and

WHEREAS, the variance, if granted, shall be in accordance with *Exhibit A*, the survey and site plan submitted with Variance Application BOA-25-3, prepared for the subject property and dated June 10, 2025, which is attached hereto and incorporated herein by this reference; and

WHEREAS, the Board, having considered the evidence and applicable variance criteria set forth in Section 1.4.D.4.B of the Gilpin County Zoning Regulations and C.R.S. § 30-28-118, finds that granting the variance will not be substantially detrimental to the public good, will not substantially impair the intent and purpose of the zoning regulations, and will not authorize a use not otherwise permitted within the zoning district.

NOW THEREFORE BE IT RESOLVED by the Board of Adjustment of Gilpin County, Colorado as follows:

RECORDING STICKER

RECORDING STICKER

1. The petition for a variance submitted by Timothy White and Julie Marble-White, requesting relief from the fifteen-foot (15') side setback requirement under Section 2.3 of the Gilpin County Zoning Regulations to allow a barn to remain approximately ten feet, three inches (10'3") from the north property line, is hereby **APPROVED**.
2. The Board's approval is based upon the findings of fact and conclusions set forth in the public record and is consistent with the Board's authority pursuant to Section 1.4.D.4.B of the Gilpin County Zoning Regulations and C.R.S. § 30-28-118.
3. The Applicants shall comply with all other applicable provisions of the Gilpin County Zoning Regulations and building codes.

ADOPTED this _____ day of _____, 2025, by a vote of _____ to _____.

ATTEST:

**BOARD OF ADJUSTMENT
COUNTY OF GILPIN, COLORADO**

Kimberly Kaufman, Deputy County Clerk

Sandy Hollingsworth, Chair

ACKNOWLEDGEMENT

STATE OF COLORADO)

)ss.

COUNTY OF GILPIN)

Sandy Hollingsworth, Chair, and Kimberly Kaufman, Deputy County Clerk, County of Gilpin, acknowledged the foregoing Resolution before me this _____ day of _____, 2025.

Witness my hand and official seal

Notary Public

RECORDING STICKER

RECORDING STICKER

Staff Report

Department of Community Development

203 Eureka St. Central City, CO 80427



To: Gilpin County Board of Adjustment

From: Brian Smith, Code Enforcement Officer & Jamie Boyle, Community Development Director

Meeting Date & Time: October 28, 2025; Public Hearing 9:40AM or later

Meeting Location: 203 Eureka St. Central City, CO 80427 & Microsoft Teams

File Number: BOA-25-3 – Request for Variance from Setback Requirements

Location: 940 Missouri Flats Rd, Central City, CO 80427. AAN: Roo6455 Described as: The Lorah Lode Mining Claim, U.S. Mineral Survey No. 820, as described in U.S. Patent recorded June 22, 1911, in Book 162, Page 96, Excepting therefrom any portion embraced in Survey Nos. 512,513, and 582, as excepted in said Patent, County of Gilpin, State of Colorado.

Owners / Applicants: Timothy White & Julie Marble-White

Request

The applicants are requesting a retroactive variance from the setback requirement of 15 feet from the north property line to allow a previously-constructed barn to remain as built, with the northeast corner of the structure measuring 10 feet, 3 inches from said property line. The resulting reduction is 4 feet, 9 inches (or 32%) of the required setback.

Pertinent Facts

The subject property is a 4.9 acre, gently sloping, mine claim parcel in the Resource Residential zone. The dwelling onsite was constructed in 2007, according to building permits (2005 according to Assessor's data). Setback requirements in this zone are 30 feet at the front property line and 15 feet at the side and rear property lines. (Section 2.3 - Zoning Districts: Specifications)

The current owners acquired the property in April 2024 and applied for a building permit to construct the barn the same month (Permit number BLDG-24-27). The permit was approved with the submitted site plan showing the northernmost point (the northeast corner) of the barn at 35 feet from the north property line. A setback verification step is required for any structure planned to be within 10 feet of the required setback; that distance was 20 feet in this case, so no setback verification took place. (Section 4.2.C - Setback Verification) A certificate of occupancy was issued on October 23, 2024.

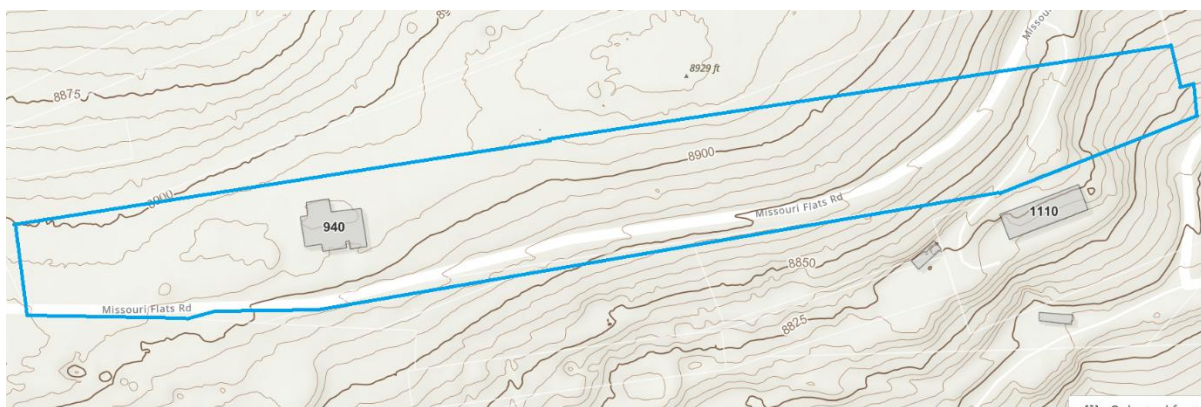
In January 2025, neighboring property owner Robert Young reported an observed violation of the Gilpin County Zoning Regulations to Community Development staff, indicating that



the newly constructed barn on the subject property was encroaching upon the setback from the north property line. The complainant provided a recent survey as evidence, and staff determined that there was reasonable cause to open a code enforcement case (CE-25-11).

A survey ordered by the applicants in June 2025 confirmed the location of the barn as stated in the request, and they were informed by Community Development staff that they could either 1) remove, 2) relocate, or 3) modify the structure to meet the setback requirements and resolve the code enforcement violation.

Site Location



Review and Approval Criteria

The Gilpin County Zoning Regulations, Section 1.4.D.4.B, pursuant to C.R.S. 30-28-118, grants the following powers and duties to the Board of Adjustment:

To authorize, upon appeal in specific cases, variances from the terms of this resolution, where, by reason of exceptional narrowness, shallowness or slope of a specific piece of property at the time of the enactment of this resolution, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation enacted herein would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of such property, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purposes of this resolution, and provided no variance shall authorize any use in a zoning district other than a use specifically permitted in such zoning district.

For the Board of Adjustment to grant a variance, at least one of the following conditions should be present. *Staff's determinations are indicated by a checkmark.*

1. Exceptional narrowness

☐ Yes ☒ No

The dimensions of this parcel are typical of the 5-acre mining claim properties common throughout Gilpin County.

2. Exceptional shallowness

☐ Yes ☒ No

The dimensions of this parcel are typical of the 5-acre mining claim properties common throughout Gilpin County.

3. Exceptional slope

☐ Yes ☒ No

This parcel is gently sloping with some areas of moderate slope.

4. Exceptional topography

☐ Yes ☒ No

The topography is typical of Gilpin County with no unusual landforms, outcroppings, water bodies, or vegetation.



5. Other exceptional or extraordinary topography, situation, or condition of the property which, through strict code enforcement, would result in peculiar and exceptional practical difficulties or exception and undue hardship

☐ Yes ☒ No

Staff encountered none.

For the Board of Adjustment to grant a variance, all of the following questions should be answered with a "no". Staff's determinations are indicated by a checkmark.

1. Would this variance cause substantial detriment to the public good?

☐ Yes ☒ No

2. Would this variance substantially impair the intent and purpose of the Gilpin County Zoning Regulations?

☐ Yes ☒ No

3. Would this variance authorize any use other than that which is specifically permitted within the applicable zoning district?

☐ Yes ☒ No

Staff Comment

Staff is not recommending approval of this variance request, as none of the conditions for a variance are present.

Cause of approval would include exceptional or extraordinary conditions which warrant allowance of the barn to remain, as built, encroaching onto the setback.

Cause of denial would include lack of onsite physical constraints and the availability of a suitable area to build outside of the setback.

Noticing and Public Comment

In accordance with Gilpin County Zoning Regulations, Section 1.6.F.6: Public Notice, staff obtained a list of adjoining property owners and sent out notices by certified mail on October 14, 2025. A public notice was published in the newspaper of record, the Mountain Ear, on September 25, 2025 and posted on the County website. No written comment was received by staff. Notice was also posted at the subject property on October 14, 2025.

Special Note:



BOA-25-3 was previously scheduled for hearing before the Board of Adjustment on July 22, 2025; public notice was made and public comment was solicited at that time. The item was ultimately withdrawn to allow staff to further investigate and provide additional clarification on a matter raised in public comment by neighboring property owner Robert Young regarding a potential prescriptive easement on the subject property. (All public comments received are included as attachments.) Upon review, staff determined that the 2007 Uncertain Access Agreement (attached) regarding the alleged road and easement still stands and that the matter has no bearing on the variance application being heard.

BOA-25-3 was subsequently scheduled for hearing before the Board of Adjustment on September 23, 2025; a second mail notice was sent to the adjoining property owners on August 26, 2025 and a second public notice was published in the Mountain Ear on August 28, 2025. No new written public comment was received. The Board of Adjustment granted staff's request to continue the hearing to today's date in order to ensure that all public noticing requirements were completely met.

Possible Actions

The Board of Adjustment may with cause approve, approve with conditions, continue the public hearing, or deny the application.

Per Gilpin County Zoning Regulations, Section 1.10.A.8.A, "In ruling upon any request for variance, the Board of Adjustment shall include a finding in its minutes as part of the record. Said Finding shall set for the facts and circumstances in each case, upon which the Board has relied in making its ruling.

Pursuant to C.R.S. 30-28-118 (3), "The concurring vote of ... three members in the case of a three-member board shall be necessary ... to decide in favor of the appellant."

Report Attachments

1. Photos From Staff Site Visit on July 23, 2025 (p.6 – 8)
2. Assessor's Property Report (p. 9 – 10)
3. BOA-25-3 – Variance Request Documentation (p. 11 – 20)
4. Public Noticing (p. 21 – 23)
5. Public Comment Received (p.24 – 41)
6. Uncertain Access Agreement (p. 41, Note: Submitted with public comment, last page of public comment from Robert Young)
7. CE-25-11 – Code Enforcement Case (p. 42 – 43)
8. BLDG-24-27 – Building Permit Application Documentation for Barn (p. 44 – 48)



Attachment 1: Photos From Staff Site Visit on July 23, 2025



Eastern portion of barn, facing north





Eastern portion of barn, facing south



Fence at north property line, facing northwest



Attachment 2: Assessor's Property Report

Gilpin County Assessor Data Site

April Nielsen, P.O. Box 338, Central City, CO, 80427

(P) 303 582-5451 | (F) | (E) anielsen@gilpincounty.org

Account Information

PIN	183513300033
ACCOUNTNUMBER	R006455
ACCOUNTTYPE	RealAccount
XCLASSDESC	RESIDENTIAL
XPROPERTYCODE	1112,1212
XPROPERTYCODEDESC	RES LAND IMP,RES IMPS
PARCELNUMBER	183513300033
SITUS2	940 MISSOURI FLATS RD CENTRAL CITY CO 80427
LEGALSUMMARY	S: 13 T: 3S R: 73W MINE: LORAH - 820 100% 4.904 ACRES(LESS 6% MRO) RUSSELL
CITY	CENTRAL CITY
ZIP	80427
NEIGHBORHOOD	100_OUTLYING AREAS,100_OUTLYING SECTIONS
PLSSLEGAL	S: 13 T: 3S R: 73W
PLSSLEGAL_RANGE	73W
PLSSLEGAL_TOWNSHIP	3S
PLSSLEGAL_SECTION	13
MINENAME	LORAH
TAXAREAID	010_TAX AREA 10 - TIMBERLINE FD - 010
OWNERNAME	WHITE TIMOTHY L & MARBLE WHITE JULIE A
OWNERADDRESS	PO BOX 502 CENTRAL CITY, CO 80427
CONFIDENTIAL	0
MODELLIST	1-MODEL_LAND,1-MODEL_SFR,1-MODEL_XFOB
ARCHLIST	7_RANCH
MAPLINK	https://www.google.com/maps?q=39.782581,-105.512031

Additional Owner Details

Owner Name	Owner Address
WHITE TIMOTHY L & MARBLE WHITE JULIE A	PO BOX 502 CENTRAL CITY, CO 80427

Sales Information

Date	Deed Type	Doc Number	Grantor	Grantee	Amount
04/02/2024	GWD	176317	PRICKETT LYNDA KAY SURVIV...	WHITE TIMOTHY L & MARBLE ...	1,100,000
01/13/2011	SWD	143319	HOME PARTNERS FINANCE I L...	PRICKETT GARY L & LYNDA K	140,000
04/04/2007	WD	133099	HOPKINS C LEW	STALLINGS THERLO JR & NIC...	30,000

Values and Estimated Taxes

Tax Year	Taxable	Actual	Mill Levy	Estimated Tax
2023	\$87,580.00	\$1,307,070.00	27.734	\$2,428.94
2024	\$87,580.00	\$1,307,070.00	28.072	\$2,458.55
2025	\$77,120.00	\$1,233,890.00	28.072	\$2,164.91

Property Details



Gilpin County Assessor Data Site

April Nielsen, P.O. Box 338, Central City, CO, 80427
(P) 303 582-5451 | (F) | (E) anielsen@gilpincounty.org

Model	Attribute Name	Attribute Value
LAND 1		
	ABSTRACT_CODE	1112_RES LAND IMP
	NEIGHBORHOOD	100_OUTLYING AREAS
	LAND_CODE	111225_IMP ACRES (S) 1-4.99 AC
	ACTUALAREA	4.9040
	USE_CODE	1000_RESIDENTIAL
SFR 1		
	ABSTRACT_CODE	1212_RES IMPS
	BUILDING_TYPE	121200_SFR
	USE_CODE	1000_RESIDENTIAL
	ARCH_STYLE	7_RANCH
	BATHS	3
	FRAME	2_WOOD FRAME
	INTERIOR_WALL	5_DRYWALL
	NEIGHBORHOOD	100_OUTLYING SECTIONS
	BEDROOMS	4
	ACT_YEAR_BLT	2005
	EXTERIOR_WALL	31_VNYL SIDNG
	FLOOR	12_HARDWOOD-10%
	FLOOR	8_SHT VINYL-10%
	FLOOR	14_CARPET AVG-80%
	CONST_QUAL	12_AVERAGE
	HEATING_FUEL	3_GAS/PROPNE
	HEATING_TYPE	3_FORCED AIR
	BASEMENTAREA	0
	EFFECTIVEAREA	5037
	HEATEDAREA	5279
	FINBASEMENTAREA	2640
	LIVEAREA	5279
	ROOF_COVER	3_COMP SHNGL
	ROOF_STRUCTURE	17_HIP

Property Images



Attachment 3: BOA-25-3 – Variance Application

Dear Gilpin County Commissioners:

We are requesting a variance for the barn we built on our property at 940 Missouri Flats Road as we unintentionally encroached on the set-back distance of 15' by 4'9" with a small portion of the northeast corner of the barn.

We purchased the property on April 2, 2024. At the time, Julie remained in western Pennsylvania at our other house while I started a new position at a business located in Arvada. Julie could not move our belongings and our 14 llamas and alpacas until a fenced-in area was completed next to our residence. Further, the house in Pennsylvania needed to be vacant to list for sale. At the time, we had a copy of a 2007 survey (see 2007 survey – attachment #1) that we received at closing that did not show the road, only the property outline and the house. We tried to locate a surveyor who would be willing to survey and mark the north property boundary so the exact fence line could be determined to no avail. We could not get a response from a number of surveyors contacted.

Since we were unable to reach a surveyor and time was of the essence, Tim used the survey we had to mark the beginning and end of the fence at the west and east corners. The survey does have the distance from the southeast corner of the house to the middle of Missouri Flats Road next to the distance from the same corner to the property line. The difference was a matter of inches. As the road was not noted on the survey, Tim incorrectly assumed the south property line ran along the middle of the road for farther than in actuality, and measured the distance to the east end of the fence from the middle of the road. Further, the survey also notes an incorrect distance from the northwest corner of the house to the north property line, the difference here was only a matter of about 2', however.

All of this resulted in the fence line being built north of the property line anywhere from 2' in the west to approximately 18' to the east (where the barn sits). We did not learn of this discrepancy until about January 2025, when the owner of the property to the north had his lawyer present us with a survey. Until then, we assumed the fence sat directly on the north property line and used it to place the barn in what we thought was the correct distance for county set-backs. We then managed to get our own surveyor here to check on the encroachment (see encroachment diagram - #2)

The building permit request shows the barn at a distance of 35' from what we thought was the north property line (see building permit diagram - #3). Unfortunately, the actual distance was only about 17' from the property line leaving us only about 2' before we encroached upon the back setback. We started excavating at the northwest corner trenching east toward the northeast corner. As the cement piers had to be 24" in diameter, the trench tended towards 4-5' in width. We encountered a number of boulders that were so large the excavator could not remove them so the trench had to be modified, mostly to the north. This resulted in the encroachment into the setback of 4'9". If we had known of our mistake, we would have immediately remedied the problem. We had no idea that our calculations were incorrect and the encroachment was completely inadvertent.

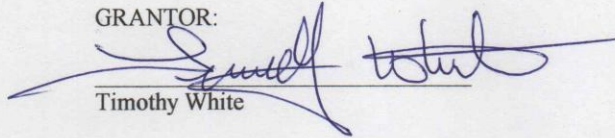


I, Timothy White, approve the application for variance submitted to the Gilpin County Board of County Commissioners for the property located at 940 Missouri Flats Road, Central City, CO 80427.

IN WITNESS WHEREOF this Agreement has been executed by the party hereto as of the date written below:

SIGNED on this the 27 day of JUNE, 2025.

GRANTOR:


Timothy White

STATE OF COLORADO

COUNTY OF Jefferson

Personally appeared before me, the undersigned authority in and for the said County and State, on this 27 day of June, 2025, within my jurisdiction, the within named Timothy White, Grantor, who acknowledged that they executed, signed and delivered the above and foregoing instrument on the date there provided.

NOTARY PUBLIC

My Commission Expires: 4/14/26



I, Julie Marble-White, approve the application for variance submitted to the Gilpin County Board of County Commissioners for the property located at 940 Missouri Flats Road, Central City, CO 80427.

IN WITNESS WHEREOF this Agreement has been executed by the party hereto as of the date written below:

SIGNED on this the 27 day of June, 2025.

GRANTOR:

Julie Marble-White
Julie Marble-White

STATE OF COLORADO
COUNTY OF Jefferson

Personally appeared before me, the undersigned authority in and for the said County and State, on this 27 day of June, 2025, within my jurisdiction, the within named Julie Marble-White, Grantor, who acknowledged that they executed, signed and delivered the above and foregoing instrument on the date there provided.

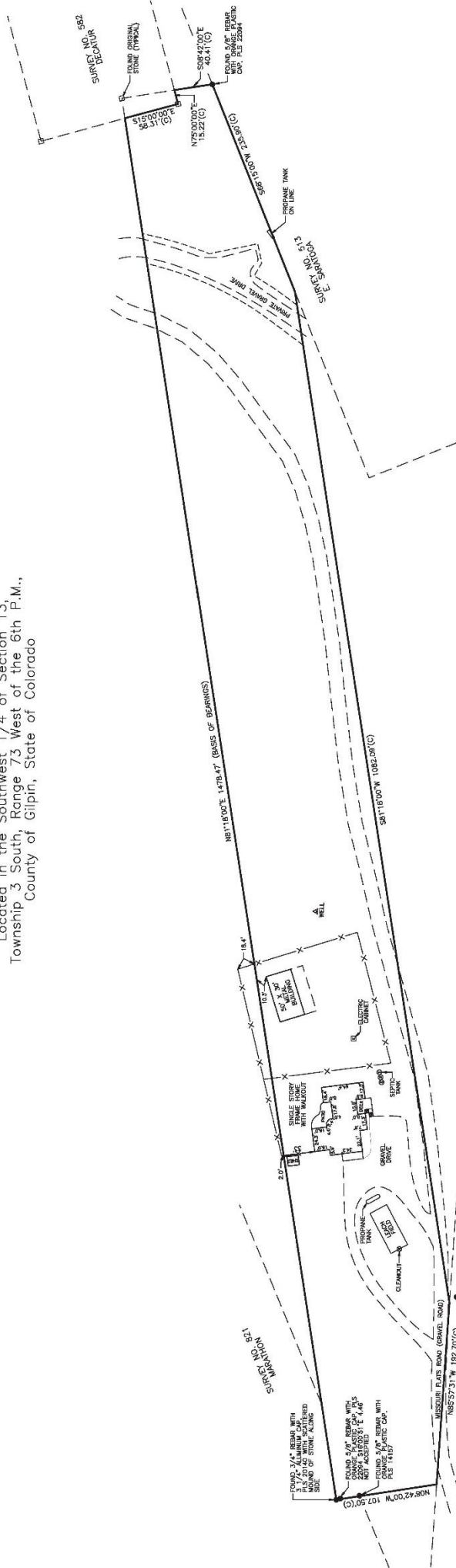
NOTARY PUBLIC

My Commission Expires: 4/14/26



ENCROACHMENT DIAGRAM

Located in the Southwest 1/4 of Section 13,
Township 3 South, Range 73 West of the 6th P.M.,
County of Gilpin, State of Colorado



PROPERTY DESCRIPTION

THE LORAN LODE MINING CLAIM, U.S. MINERAL SURVEY NO. 820, AS DESCRIBED IN U.S. PATENT NO. 1,000,000, IS LOCATED IN THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 3 SOUTH, RANGE 73 WEST OF THE 6TH P.M., COUNTY OF GILPIN, STATE OF COLORADO.

NOTES

- 1) BASES OF BEARINGS SHOWN HEREON ARE BASED UPON THE NORTH LINE OF THE LORAN LODE MINING CLAIM, U.S. MINERAL SURVEY NO. 820, AS DESCRIBED IN U.S. PATENT NO. 1,000,000, AND ARE BASED UPON THE EAST END BY A 5' X 8' EMBEDED STONE AND ON BEARINGS SHOWN HEREON RELATIVE THERETO.
- 2) ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACTS ANY PUBLIC LAND SURVEY MONUMENT OR LAND BOUNDARY MONUMENT OR ACCESSORY, COMITS A VIOLATION OF THE FEDERAL LAND MANAGEMENT ACT, 16 U.S.C. 1111, AND IS SUBJECT TO A FINE OF UP TO \$5,000 AND/OR IMPRISONMENT FOR UP TO 5 YEARS.
- 3) CERTIFICATION BEING THE USE OF THE WORD "CERTIFY" OR "CERTIFICATION" BY A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE PRACTICE OF LAND SURVEYING IS NOT A GUARANTEE OF THE ACCURACY OF THE SURVEY OR THE TRUTH OF THE STATEMENTS MADE THEREIN, NOR IS IT A GUARANTEE THAT THE SURVEYOR HAS CONDUCTED A REASONABLE SEARCH OF THE RECORDS OF THE COUNTY OF RECORD, AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EITHER EXPRESS OR IMPLIED.
- 4) ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTIONS BASED UPON THIS SURVEY WITHIN TWO YEARS OF THE DATE OF THE CERTIFICATION SHOWN HEREON.
- 5) THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY AMERICAN WEST LAND SURVEYING CO. TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD.
- 6) DISTANCES ON THIS DRAWING ARE EXPRESSED IN U.S. SURVEY FEET AND DECIMALS THEREOF. A U.S. SURVEY FOOT IS DEFINED AS EXACTLY 1.200/3937 METERS.
- 7) THE PROPERTY BOUNDARY SHOWN HEREON IS BASED UPON FIELD MEASUREMENTS AND CALCULATIONS. THE SURVEYOR HAS CONDUCTED A REASONABLE SEARCH OF THE RECORDS OF THE COUNTY OF RECORD, AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EITHER EXPRESS OR IMPLIED.



SURVEYOR'S STATEMENT

I, CURTIS D. HOOS, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, HAVE CONDUCTED A REASONABLE SEARCH OF THE RECORDS OF THE COUNTY OF RECORD, AND HAVE FOUND NO RECORDS THAT WOULD AFFECT THE SURVEY. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY ME TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD.



LEGEND

- = FOUND ORIGINAL STONE
- = FOUND SURVEY MARKER, AS NOTED
- X—X— = WIRE MESH FENCE LINE, AS NOTED
- (C) = CALCULATED DIMENSION

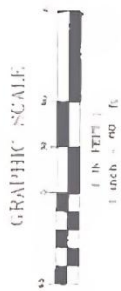


American West
Land Surveying Co.
Professional Land Surveyors
PG Box 128, Bighorn, CO 80401 • P400-881-1332 • F400-881-0973 • www.amwest.com
SCALE: 1" = 50' DRAWN BY: CHS | CHECKED BY: MHT | DATE: JUNE 19, 2025
FILE: 24-1-24-25-2726A-513-540 - MINERAL PLAT 80, U.S. MINERAL SURVEY NO. 820, AS DESCRIBED IN U.S. PATENT NO. 1,000,000

#3

LAND SURVEY PLAT

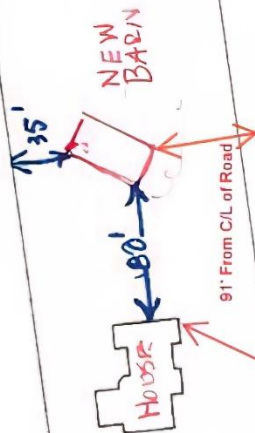
THE LORAH LODE, M.S. 820, LOCATED IN SECTION 13, T3S, R73W, 6TH P.M.,
GILPIN COUNTY, COLORADO



1070.40' (M)
N 81°18'00" E (P)(M)
1478.47' (M)

LORAH LODE
M.S. 820
AREA = 4.904 AC.

1070.40' (M)
S 81°18'00" W (P)(M)
1478.47' (M)



11 8°42'00" W (P)(M)
110.57' (M)

196.11' (M)

N 87°06'00" W (M)

Xcel Meter at corner of home

#4



#5









NFPD

Public Notice

NOTICE OF PUBLIC HEARING

Notice is hereby given for a Public Hearing before the Board of County Commissioners, in which the Board of County Commissioners will consider for approval a requested building envelope adjustment previously approved by the Board of County Commissioners via resolution SBE 19-02P.

The public hearing will be held on October 29th, 2025 at 9:30 a.m. or later in the Commissioner's Meeting Room at the Historic Gilpin County Court House 203 Eureka St. Central City, Colorado. Any and all documents pertaining to this matter may be viewed between the hours of 7:30 a.m. and 5:30 p.m., Monday through Thursday at the Historic Gilpin County Court House, Department of Community Development.

Subject Property: That portion of Section 31, Township 1 South, Range 72 West of the 6th P.M., Shown as Parcel 81 on North County Road Exemption Plat Recorded July 15, 2021, Recession No. 168724. Also known as R114878.

The meeting will be held in person and broadcast live via Zoom. Members of the public will be able to participate virtually. A link to the live broadcast can be found on the Gilpin County website under the public meetings tab. All interested persons wishing to be heard are invited to said public meeting. Written comments or questions can be emailed to: jzeman@gilpincounty.org. This meeting may be continued as many times as may be found necessary. Those individuals requiring special accommodation to participate please contact Jamie Boyle at (303)682-5831.

Public Notice

NOTICE OF PUBLIC HEARING

Notice is hereby given for a Public Hearing before the Board of Adjustment, in which the Board of Adjustment will consider for approval a requested variance from the setback standards of the Gilpin County Zoning Regulations Sec. 2.3.

The public hearing will be held on October 28th, 2025 at 9:40 a.m. or later in the Commissioner's Meeting Room at the Historic Gilpin County Court House 203 Eureka St. Central City, Colorado. Any and all documents pertaining to this matter may be viewed between the hours of 7:30 a.m. and 5:30 p.m., Monday through Thursday at the Historic Gilpin County Court House, Department of Community Development.

Subject Property: 940 Missouri Flats Rd. Central City, CO 80827.

The meeting will be held in person and broadcast live via Zoom. Members of the public will be able to participate virtually. A link to the live broadcast can be found on the Gilpin County website under the public meetings tab. All interested persons wishing to be heard are invited to said public meeting. Written comments or questions can be emailed to: jzeman@gilpincounty.org. This meeting may be continued as many times as may be found necessary. Those individuals requiring special accommodation to participate please contact Jamie Boyle at (303)682-5831.



Visit GILPIN COUNTY

Plein Air Art Exhibition - Through October 5

First Saturday Artisan Market - Saturday, October 4

Musical Menagerie - Saturday, October 4

Plein Air Artists Colorado Exhibition - August 25 to October 5, 2025

Pumpkin Patch - October 4 and 5

Central City Opera's Haunted History Tour - Saturday, October 11

Paranormal Investigation at the Gilpin History Museum - Saturday, October 11

Gilpin Gear Swap - October 17 and 18

Central City Creepy Crawl - October 17, 18, 24, 25

Spooky Stroll - Friday, October 24



Interested in having your event listed?
Email: mbleyler@gilpincounty.org

Paid for by the Gilpin Advertising Panel (GAP)



Gilpin County

Department of Community Development



October 13th, 2025

Re: NOTICE OF PUBLIC HEARING

Dear Property Owner,

You are receiving this notice because of your proximity to a property subject to a public hearing before the Gilpin County Board of Adjustment.

Notice is hereby given for a Public Hearing before the Gilpin County Board of County Commissioners acting as the Board of Adjustment to receive public input regarding a petition for a variance from the Gilpin County Zoning Regulations. Petitioners and owners of the subject property, Timothy White and Julie Marble-White, are seeking to vary from Section 2.3 of the Gilpin County Zoning Regulations, to allow for a setback of ten (10) feet from the north property line from the required setback of fifteen (15) feet in the RR, Resource Residential zoning district for the continued use of a nonconforming barn on their property. Any and all documents pertaining to this matter may be viewed between the hours of 7:30 a.m. and 5:30 p.m., Monday through Thursday at the Historic Gilpin County Court House; Department of Community Development.

Subject Property: 940 Missouri Flats Rd. Central City, CO 80427

Location: Commissioner's Meeting Room at the Historic Gilpin County Court House, 203 Eureka St. Central City, Colorado, 80427, 9:30 am or later

Time: October 28th, 2025 at 9:30 a.m. or later

Agenda Item Title: BOA-25-3

The meeting will be held in person and broadcast live via Zoom. Members of the public will be able to participate virtually. A link to the live broadcast can be found on the Gilpin County website under the public meetings tab. All interested persons wishing to be heard are invited to said public meeting. Written comments or questions can be emailed to:

jzeman@gilpincounty.org. The meeting may be continued from time to time as may be found necessary. Those individuals requiring special accommodation to participate please contact Jamie Boyle at (303)582-5831.

Sincerely,

A handwritten signature in cursive script that reads "jzeman".

Jack Zeman
Gilpin County Planner





Attachment 6: Public Comment Received

From: [ROSS GUSTAFSON](#)
To: [Brian Smith](#); tina.gustafson@molsoncoors.com
Cc: jmhistory1@aol.com
Subject: Tim and Julie White at 940 Missouri Flats Road
Date: Wednesday, June 25, 2025 3:59:27 PM

CAUTION: External Email!

Hello,
We are the property owner at 21 Old Truck Road, the Marathon, and the Beacon of the West near the White's property. We support approval of the variance they are requesting.
Ross and Tina Gustafson
401 Somerset Dr.
Golden, CO 80401

From: [Kathleen](#)
To: [Brian Smith](#); jmhistory1@aol.com
Subject: Set-back Variance for 940 Missouri Flats Rd
Date: Thursday, June 26, 2025 11:00:34 AM

CAUTION: External Email!

Brian,
I am writing in support of the set-back variance requested by our neighbors, Tim and Julie White. The location for the variance request is 940 Missouri Flats Rd. If approved, the variance would have no negative impacts on the neighborhood. I am in full support for the approval of the set-back variance request.
I represent Friends of Charlie's Place, and our organization owns 17.49 acres on Missouri Flats Rd. The physical address is 208 Missouri Flats Rd. As stated, there are no adverse impacts if the variance is approved and we support our neighbors in their request.

Thank you,
Kathleen M Ashpaugh
President - Friends of Charlie's Place
focp292@gmail.com
419-464-6361



From: [Mary Haus](#)
To: [Brian Smith](#)
Subject: 940 Missouri Flats Road
Date: Saturday, July 5, 2025 12:03:19 PM
Attachments: [Easement Dispute letter 7.2025.docx](#)

CAUTION: External Email!

Brian -

Here is a quick letter in support for Tim and Julie White on their request for a variance. We would like to help as much as possible.

Any questions, please let us know.

Thanks
Tom & Mary Haus
1110 Missouri Flats Road
PO Box 856
Central City CO 80427
303-898-9585
720-201-1294



July 5, 2025

To whom it may concern:

We are the home and landowners at 1110 Missouri Flats Road and some of the surrounding properties since December 8, 2000. At the time of our property purchases there were no other houses or neighbors around except for Mike Richardson at the beginning of Missouri Flats Road (in fact it didn't even have a real name until later). We understand that there is now an argument of "prescriptive easement" surrounding the property of 940 Missouri Flats Road between Mr. Bob Young/Young Ranch and Tim and Julie White.

When we first purchased the properties there was a "goat trail" on the property but we never saw anyone in or around that area on Missouri Flats Road. In 2006-2007 we were hired by the Stallings to dig the foundation for their new home, which was not totally complete due to their fund situation. The "goat trail" became part of the Stallings driveway, which at the time no one disputed the driveway, and we never saw anyone use the driveway to access any property around the area. Then in 2014 the Prickett's purchased the property. and we did some work for them also. Howard (the general contractor for Prickett's) and myself (Tom) put up the chain links across the driveways so that no one was able to access both driveways to the house, which also had padlocks on them (seeing the Prickett's lived out of town and was only there a couple of times). The only other individuals that had access to the padlocks, were the cleaning people and those who worked on the house.

We understand that the dispute concerns less than 5 foot into the 15 foot setback (which is not on Mr. Young's property) and on which the White's barn now sits on.

As a "good neighbor" of the White's we are in favor of the County issuing a variance to the White's so that they will not have to spend 100's to 1000's of dollars taring down their barn and having it reengineered it to fit the property line. There are other ways to access Mr. Young's property without having access over the White's driveway. As we all know, in Gilpin County mining claims do cross over each other and sometimes are hard to define.

Should you have any questions, please don't hesitate to contact us.

Sincerely,
Tom and Mary Haus
1110 Missouri Flats Road



From: [Robert Young](#)
To: [Brian Smith](#)
Subject: Letter to the Gilpin County Board of Adjustment regarding BOA-25-3
Date: Monday, July 14, 2025 10:03:08 PM
Attachments: [Young Ranch Lorah LSP Markupfor BOA EXHIBIT C.pdf](#)
[Dear Board of Adjustment.pdf](#)

CAUTION: External Email!

Hi Brian,

Please find my attached letter to the BOA. I would also like to formally request that the BOA continue this hearing to a date which would allow me to attend in person. Although Zoom meetings are efficient and at times necessary, I would feel much more comfortable with this process if I am given the opportunity to represent my interests and answer any Board questions in person. Due to a family-related trip planned a year ago, I will not be physically present but, if the hearing can not be continued, I plan to attend via the zoom call-in to represent my interests and answer any questions. This matter is very important to me, and I assure you my lack of physical presence for the hearing does not reflect on my commitment to find an equitable resolution. I will be in Montenegro on July 22nd, on a family cycling trip, which is 8 hours ahead of Colorado time, and I do not know for sure if I will be able to find a way to get a zoom connection.

Thank you,

Bob Young (303) 579-8055



Dear Board of Adjustment,

Please consider my rationale for denial of the White's request for a reduction in the County rear property line setback requirement for Resource Residential Zone Districts (BOA-25-3). Due to a family-related trip planned a year ago, I will not be physically present but plan to attend via the zoom call-in to represent my interests and answer any questions. This matter is very important to me, and I assure you my lack of physical presence for the hearing does not reflect on my commitment to find an equitable resolution.

I have outlined my thoughts below.

Background

April 2, 2024 the Whites purchased a home at 940 Missouri Flats Road

The home, built in 2008, was built adjacent to and partially on an Unplatted Road that is the historic and only viable access route to two adjoining mining claims I own. The construction of a home in close proximity to an Unplatted Road has occurred a number of times in Gilpin County causing conflict amongst landowners. The county has since updated the building code to ensure that this does not continue to happen due to the inherent conflict it creates. Specifically, current County Regulations for Resource Residential Zone Districts have a required setback of 55' feet from the centerline of the traveled portion of an Unplatted Roadway for any new structure that requires a building permit. The Resource Residential Zone District also requires a 15-foot rear property line setback. The Whites structure, the subject of their request for a variance, is in violation of both of these setback requirements.

The title policy the Whites received likely did not make mention of the aforementioned Unplatted Road. It is common practice amongst Title Insurance Companies to not insure against easements or Rights of Way that are not of Public Record. In Gilpin County there are numerous Unplatted Roads that provide historic and legal access to property owners through adjacent parcels of land. Unplatted Roads may not fulfill the County Requirements for issuing a Building Permit without a formal easement agreement or court order, but they do constitute a legal right of use in terms of access to an owner's land. This right is referred to as a Prescriptive Easement. The original Building Permit issued in 2008 for the White's home included a "Notice of Uncertain Access" due to the unplatted nature of the road system in the area (***See Attached Exhibit A***). These roads are generally unplatted and typically no description of them is recorded which is why the title companies generally have a standard exception that does not ensure against them. In this case, as in most cases, Unplatted Roads are clearly visible on aerial maps and Google Earth maps from the 1970's through the present and have longstanding prescriptive easement rights associated with them to the benefit of adjacent land historically accessed by said Unplatted Roads. Both the successors in interest, Young Ranch, and myself have used this particular road for at least five decades. This area is within the historic Young Ranch BLM grazing area which the ranch utilized from 1968 through 2012 and, although we no longer utilize this area for grazing, Young Ranch still holds the BLM Grazing lease.

In the fall of 2019, I approached the previous owner of the White's home and offered to realign the Prescriptive Easement / Unplatted Road so that it would not cross so close to the residence. It always felt awkward to travel within feet of the Home to access my property and I felt the offer to realign it was both a good neighborly gesture and would add value to both owners. The previous owner appreciated this offer but had some concerns due to the home being in a trust. Ultimately COVID happened a few months later and I never got back to her regarding formalities of the realignment. I was not concerned about this delay because most any owner would be quite happy to move an access road away from their home.

In June / July of 2024 I noted a newly constructed fence at the Whites home that appeared to block my access, via the Unplatted Road, in two locations. Upon closer inspection I also noted that a fence appeared to



be constructed on my property as part of a llama enclosure, although I did not have indisputable evidence of this trespass without commissioning a survey of the properties.

In late July of 2024, after several attempts, I made contact with the Whites. I had a brief conversation with Julie and later called her husband Tim. I expressed my concerns, which included the fact that they had trespassed across my property, cutting down numerous trees (**see attached Exhibit B, pictures of trespass disturbance**) and causing substantial damage to a large and previously pristine natural area on my property. Tim stated that his contractor had to go around the llama fence that Tim had constructed (that both blocked my access and was seemingly also constructed on my property). Because there was not a way to go across their property (no gate large enough for construction equipment in the newly constructed fence at that time), a new "construction" road was built, without my permission, across my property cutting down many trees and creating a large scar on the land for about 100 yards. I told Tim that this was not legal and that I also had concerns about the fence as it blocked my access road and also appeared to be on my property in places. I asked Tim if he had the fence line surveyed prior to constructing the fence and he stated "No, I had some guys from work come out and line it up for me. They know what they are doing". This raised concern for me as the fence appeared to be far from accurately reflecting the true property line. Tim had also mentioned that he placed the fence one foot onto his property from the property line, which seemed reasonable. After some reflection, I decided I needed to hire a surveyor to check what seemed to be an obvious error in Tim's fence layout.

I asked Tim to meet on site to show him why I felt the fence was considerably off the property line and to discuss other access and trespass related issues, including my offer to realign the Unplatted Road as I had discussed with the previous owner, and my expectations regarding reclamation of the new contractor road carved through my property and the scared area created by its placement. Tim responded to my repeated requests to meet via a text message stating he was very busy and could not respond to me until September. He further stated via text that "If you can not respect that, then that's your problem" and "When things slow down will take the time to meet with you but not before".

I visited the site again, having been caught off guard by Tim's response to my meeting requests. Upon inspection, the trespassing was still taking place across my property. I followed newly created tire tracks across my property that led to an ATV, which I believe Tim owns, parked just off of my property. I texted Tim to ask about the continuing trespass and he replied that it was his contractor and that it would stop. Tim had mentioned he was installing a larger gate that would allow construction access through their own property. No mention from Tim, at any point, suggesting any sort of apology for the trespass and property destruction. Thoughts of *Dirk the Jerk* began to brush my mind, as *Dirk the Jerk* (another neighbor in the area) also never apologizes and just pushes forward with whatever he wants to do. (I only saw some very minor similarities at this point and held out hope that this would be different, as it would be quite hard to be as bad a person / landowner as Dirk the Jerk. (I consider DTJ both arrogant and uncaring as my nick name for him suggests)

Tim and Julie are my new neighbors and starting the relationship off in this way seemed very short-sighted on their part. I understood that they may have been surprised by the Unplatted Road, but to refuse to meet and to so easily brush off their trespass and property destruction was hard to understand. Given the history of how Young Ranch formed over the past 57 years, we take property lines and private property rights very seriously, as we have also afforded the same respect to neighbors. We have had other neighbors misunderstand a property line location, and in one instance it resulted in cut trees, scaring of the land, and general property destruction (less destruction than what the White's caused, but still significant). In that case, after having my surveyor verify and stake the property line, the neighbor was very sincere in their apology, immediately offered to correct their mistake, and made a good faith effort to reclaim the scared area. It literally took less than 30 minutes of one-on-one conversation, no County involvement, and we continue to have that same high level of

mutual respect. I have not felt any level of respect from the Whites. They have shown no remorse and instead project entitlement.

Tim's response that he was too busy to meet caused me to become suspicious of Tim and his motives. He did not present himself as desiring any good faith neighborly communication. As a result of this, on August 17, 2024, I requested that the Gilpin County Sheriff visit the site and document the trespass for me. I contacted the Whites ahead of time so that it would not surprise them.

Having had zero success trying to communicate directly with the Whites, I decided to meet with the County Community Development Dept to see what the recent excavation near my property line was for and how I could approach resolving the various other issues. I learned that the Whites were building a barn, and I was shown the building permit and site plan, drawn to scale as part of the building permit process. It showed the permitted structure in an entirely different location than where excavation was being done. This excavation seemed quite close to what I believed was the correct property line. Tim's refusal to meet began to look like a potentially blatant and intentional move to stall long enough to build the structure and deal with the potential consequences later. I also understand that they likely felt the need to complete the structure in time for winter. This need, although likely real, does not warrant a disregard of the County Code and my property rights.

Robert, the Community Development Director advised me that the county could not do anything about the Unplatted Road being blocked as that was a civil issue I would need to bring up through District Court, and they could not do anything about my set back concern without first having me provide them with evidence in the form of a survey. The County also could not do anything about the fence being built on my property because the Whites did not pull a building permit for the fence (I do not believe a permit is required to build a fence) so the county did not have any jurisdiction over the fence construction trespass.

Disappointed, I began reading the Gilpin Regulations where I learned that the Code required a survey be provided if a structure was proposed within 10 feet of a setback. In this case, the White's structure was permitted in an entirely different location from where it was actually being built, so the building permit process did not trigger this requirement for the rear setback and the County was not aware of the Unplatted Road. Without a survey, I had no way to receive enforcement assistance from the County. I pushed my surveyor to perform the survey as quickly as possible, but it took a few months to complete.

By the time the final improvement survey was complete, the building was erected.

The Survey showed that the fence encroached onto my property by just over 18 feet in areas, and that the structure, as built, violated the 15-foot County rear property line setback requirement by over 5 feet.

At this point I formally made a complaint to the County about the structure's setback violation, and they eventually determined that the White's had two options. Either move / modify the building to conform with the setback requirements or do a lot line adjustment which would allow them to bring the building into conformance with the county code. This second option would require the White's to communicate with me which, to date, they have refused to do (not even a quick neighborly call to apologize for the trespass and significant scaring and destruction of trees and vegetation). My goal has always been to resolve the issues with the Whites. Their refusal to meet as neighbors has made this hard to do.

I am confident that the unlawful blocking of the Unplatted Road will be resolved separately through a District Court process to enforce my prescriptive easement rights to the Unplatted Road or alternatively negotiate a neighborly re-alignment of the Unplatted Road that would benefit both parties and also remove the Unplatted Road setback requirement for the White's structure.

The Whites are requesting a variance for the rear set back from 15 feet to 10 feet. This 10-foot setback request would not put them in compliance with either the Resource Residential rear setback requirement or the



Resource Residential Unplatted Road setback requirement, as illustrated on the ***Land Survey Platt (attached hereto as Exhibit C)***.

As provided under State Statute this County Board Of Adjustment has the power, where there are **practical difficulties or unnecessary hardships** in the way of carrying out the strict letter of such ordinance, the board of adjustment has the power, in passing upon appeals, to vary or modify the application of the regulations or provisions of such ordinance relating to the use, construction, or alteration of buildings or structures, or the use of land, **so that the spirit of the ordinance is observed**, public safety and welfare secured, **and substantial justice done**.

ARGUMENT

I object to the Whites request for a variance from the Gilpin County setback regulations, based on the following facts in this case:

1. Gilpin County issued a building permit for the White's structure based on a site plan drawn to scale and reviewed for compliance with County Standards. The reviewed and approved site plan shows the proposed structure in an entirely different location from where it was ultimately built.
 - a. After the Building Permit was issued, and without consulting with the County, the Whites made a significant change to the structure's location. If the County was informed of this change, it would have triggered the Code requirement for a surveyor to complete a *setback verification* prior to starting foundation work. (By Code, any proposed structure that is within 10 feet of a setback (25 feet from a property boundary and 65 feet from an Unplatted Road in this case) triggers this setback verification requirement. The degree of shift to the structure's location vs. the approved Building Permit is too significant to be considered a mistake or oversight and therefore does not warrant a Variance.
2. When I observed the excavation / foundation work for the structure, I could see that it was too close to where I thought the property boundary was and I felt strongly that the llama fence, as constructed, was well within my property.
 - a. The White's refusal to meet after my repeated requests gave me the impression that they felt entitled to do as they pleased and that my concerns were a distraction and not something they would need to address.
3. Because the White's failed to adhere to the approved Building Permit Site Plan and did not afford the County an opportunity to review the structure's significant relocation (30 – 40 feet of movement), I had no recourse within the County process without first obtaining a survey to validate my position.
 - a. The County relied on the White's conformance with the approved plan and could not take action based on my perceived setback concern without first having survey evidence showing the White's were indeed not complying with their Building Permit.
4. Our southern section of the County (I cannot speak to other areas of the County) has been fraught with individuals who view the County Regulations as simply burdens that need to be worked around or ignored. There is an old school belief that if you own ground, you should be able to make the calls. Dirk the Jerk is a prime example of this. He came into our area, followed zero rules, caused morally repugnant damage to the land, and somehow is still around. (one good thing Dirk the Jerk has done for our area is to make most people aware of why we need rules and enforcement) We need to continue to push back against the "Yes there are rules, but in the end the County will back off when pressed for compromise" idea some landowners in the County still have.



- a. In recent times the County has invested in developing a sophisticated and comprehensive set of rules and guidelines, but those efforts are meaningless if a blatant disregard of the process is allowed to be fixed with an apology (maybe the Whites will apologize to the County?) and a set of excuses, followed with a Variance approval. The Code is in place to, among other things, protect adjacent landowners and the community as a whole from those that are either too rushed to comply or simply disregard the rules and the process.
 - b. If the White's requested Variance is approved by this Board, I do not agree that the spirit of the setback ordinance can be observed, which is a requirement of the State Statute that allows this Board to approve a Variance.
 - c. The Whites refused to meet with me and were annoyed with my desire and repeated requests to meet while the structure's excavation was underway. They were either too busy to meet or felt too entitled to need to meet and should not be rewarded for such behavior.
 - d. The Whites seemingly prefer that the County give them an easy pass on this. I do not feel they have acted in good faith as it relates to this setback violation. I feel that they purposely avoided meeting with me in order to get the building constructed, thinking that it would be easier to work through the details later.
5. If I had not raised these concerns with the County, spent considerable money on procuring a survey and on legal representation to fully understand the law, and continued to persist with the County process, the Whites would have been able to circumvent the requirements of the building permit and County Code. They would have made significant changes to the permitted location of the structure, violated the County Setback Code, fenced several hundred feet of my property into their llama enclosure, and blocked the access to my property via the Unplatted Road without any County driven substantive consequence. Additionally, the structure is quite large and as owner of two adjoining properties, I feel deserving of the setback rights as provided in the Gilpin Code.

Conclusion

If the White's variance request, as written, is approved, they would still not meet the County requirements and their structure would continue to be non-conforming for both the rear property line setback and the Unplatted Road setback, and most importantly substantial justice would not be served. Gilpin County would unintentionally enable bending County Regulations as long as the perpetrator acts faster than the County, or an adjacent landowner, has the ability to hold them accountable. More succinctly, "easier to beg forgiveness then ask permission".

There is a concept in law that I feel applies to this situation. It is the concept of Unclean Hands. The Doctrine of Unclean Hands is an equitable defense that bars relief to a party who has engaged in inequitable behavior (including fraud, deceit, unconscionability, **or bad faith**)

Bad faith refers to dealing with others deviously and even fraudulently and violates an implied condition that you are **negotiating in the spirit of fairness**.

Tim White's refusal to meet with me, and then stating on August 16, 2024 that he was very busy and could not respond to me until September, and further stating via text that "If you can not respect that, then that's your problem" and "When things slow down will take the time to meet with you but not before", does not warrant the Board of Adjustment's favor nor indicate a willingness to **negotiate in the spirit of fairness**.

Had Tim agreed to meet, I would have identified, among other things, my property line concerns, thus leaving the Whites adequate time to modify their plan prior to construction in order to comply with the approved building permit. Alternatively, they could have paused and approached the County to revise the original plan. Tim White created this issue by disregarding both the County process and my desire to help him understand



the facts. He should not expect this Board to correct an issue he willingly created, at the expense of both the integrity of the Gilpin Code and my rights as an adjacent landowner. This miscalculation on the part of the Whites falls well short of warranting the requested relief.

The Whites are my neighbors and neighbors of Young Ranch and as such I will work towards eventually establishing a good relationship with them. One that is based on mutual respect. I will always be open to any concerns the Whites may want to express regarding our overlapping interests, and I wish to expect the same in return. We do not need to agree, but we should always be willing to communicate. That said, having this opportunity to express my position regarding the Whites request of this Board is very important to me.

If the decision of the Board is to vote against the variance request, I will work with the Whites to come up with a fair and neighborly settlement of the issues surrounding both the setback violations, the trespass damage restoration, and the Unplatted Road relocation I previously suggested to the Whites. This is, of course, subject to the Whites willingness to communicate with me, but if there is a no vote from the Board, it may prompt them to realize that a thoughtful and neighborly discussion is warranted. If the Whites continue to avoid communication, I will be forced to seek relief through the District Court, leaving the County out of this issue, and I am confident that in doing so the judicious relief I seek, although more costly and time-consuming via a District Court Complaint, will be forthcoming.

Thank you, Board of Adjustments, for your consideration of my thoughts and again, I regret not being able to attend this very important hearing in person.

I would also ask that this Board consider continuing this hearing to a date which would allow me to attend in person. Although Zoom meetings are efficient and at times necessary, I would feel much more comfortable with this process if I am given the opportunity to represent my interests and answer any Board questions in person.



EXHIBIT A,



Community Development
Department

P.O. Box 661
Central City, CO 80427

CDD: (303) 382-5831
Admin.: (303) 582-4244
Fax: (303) 565-1796

<http://co.gilpin.co.us>

Located in the Historic
County Courthouse
2nd & 3rd Floors
203 Eureka Street
Central City, Colorado

06/19/2007 08:35 AM 133618
JESSIE L. LUTHER, GILPIN COUNTY, CO
Resident Name: Page 1 of 1
N/A Notice of Uncertain Access: Total Fee: 0.00 Doc Fee:
133618 133618 133618 133618 133618 133618 133618 133618



Notice of Uncertain Access

Legal Description of site: Mine, USMS: 820 Mine Name: Lora -
Section, Twn, Range: 13-38-73W

THE UNDERSIGNED does hereby acknowledge that the established road providing access to the building site permitted by Gilpin County building permit #07-06-070 is not a County owned right-of-way; and, that said established access traverses non-County owned public property and/or private property for which no known easement has been granted and/or recorded.

I FURTHER ACKNOWLEDGE that I have been informed that in the event this established access is disputed, disrupted or in any way challenged by an affected public and/or private land owner, Gilpin County has no jurisdiction and therefore can and will not assist in re-establishing said access.

I FULLY UNDERSTAND the consequences of building on the site described in the building permit identified by #07-06-070, without documentation of any permanent right of access to the building site.

Signature(s)

SEE BELOW

*Sign only in the presence of a Gilpin County Staff member

Print Name(s)

Therese Stallings

or

Nicole A. Stallings

Date: 6/19/ 2007

Attest

Ray Berg Gilpin County Planner
Gilpin County Staff, Title



Exhibit B, PICTURES OF PREVIOUSLY UNDISTURBED AND TREED PROTIONS OF MY PROPERTY THAT WERE CLEARED OF TREES AND SCARED WHEN A TRESSPASS ROAD WAS CONSTRUCTED BY THE WHITES TO ACCOMIDATE THE CONSTRUCTION OF THEIR STRUCTURE.



EXHIBIT B CONTINUED, SECOND PICTURE OF ADDITIONAL PREVIOUSLY UNDISTURBED AND TREED PROTIIONS OF MY PROPERTY THAT WERE DISTURBED WHEN A TRESSPASS ROAD WAS CONSTRUCTED.



EXHIBIT B CONTINUED (approximate property line between the White property and my property showing previously undisturbed land owned by me that was used to construct a road around the White constructed fence. Also showing the fresh tire tracks that traverse my property and end at Tim White's UTV pictured in top right. These tracks were made after I had told Tim White he did not have permission to trespass across my land via the new construction road he constructed across my property.



Exhibit B continued, This picture shows the disturbed area to the right of the fence that is my property but was fenced into the White's llama enclosure in June of 2024. Once my surveyor finished his survey work, I notified the Whites of the verified 18'4" fence encroachment (fall of 2024) and asked that they correct it within 30 days. From what I can tell, the fence was finally moved a few weeks ago, likely as part of their preparation for this variance hearing. The fence was on my property for over a year. Some of the fence remains on my property. This picture also shows the close proximity of the structure in relationship to the property line (the Fence depicts the approximate property line). The Unplatted Road that provides historic access to my property cuts through this area between the structure and the fence but is now obscured due to the activity within the fenced llama enclosure. The previous pictures depicting the trespass construction road the Whites built across my property is to the right side of this picture and cuts through the grove of aspens to the right back of this picture.



Exhibit C, Survey of Setback violations and fence line trespass onto my property.





Community Development
Department

P.O. Box 661
Central City, CO 80427

CDD: (303) 582-5831
Admin.: (303) 582-5214
Fax: (303) 565-1796

<http://co.gilpin.co.us>

Located in the Historic
County Courthouse
2nd & 3rd Floors
203 Eureka Street
Central City, Colorado

06/19/2007 08:36 AM 133616
JESSICA LOVINGIER GILPIN COUNTY, CO
Receipt #5851 Page 1 of 1
NUR Notice of Uncertain Access TotalFee:0.00 DocFee:



Notice of Uncertain Access

Legal Description of site: Mine, USMS: 820 Mine Name: Lorah –
Section, Twn, Range: 13-3S-73W

THE UNDERSIGNED does hereby acknowledge that the established road providing access to the building site permitted by Gilpin County building permit #07-06-070 is not a County owned right-of-way; and, that said established access traverses non-County owned public property and/or private property for which no known easement has been granted and/or recorded.

I FURTHER ACKNOWLEDGE that I have been informed that in the event this established access is disputed, disrupted or in any way challenged by an affected public and/or private land owner, Gilpin County has no jurisdiction and therefore can and will not assist in re-establishing said access.

I FULLY UNDERSTAND the consequences of building on the site described in the building permit identified by #07-06-070, without documentation of any permanent right of access to the building site.

Signature(s)

SEE BELOW

*Sign only in the presence of a Gilpin County Staff member

Print Name(s)

Therlo E. Stallings

or

Nicole A. Stallings

Date: 6/19/ 2007

Attest

Jay Deag Gilpin County Planner
Gilpin County Staff, Title



Attachment 7: CE-25-11 – Code Enforcement Case



October 15, 2025

CE-25-11

Code Complaint

Status: Active

Submitted On: 4/24/2025

Primary Location

940 MISSOURI FLATS RD
CENTRAL CITY, CO 80427

Owner

PRICKETT LYNDA KAY SURVIVORS TRUST

Code Complaint

Date Observed*

01/30/2025

Time Observed* ?

NA

Address of Code Issue* ?

940 Missouri Flats Rd, Central City, CO 80427

Property Owner (If known) ?

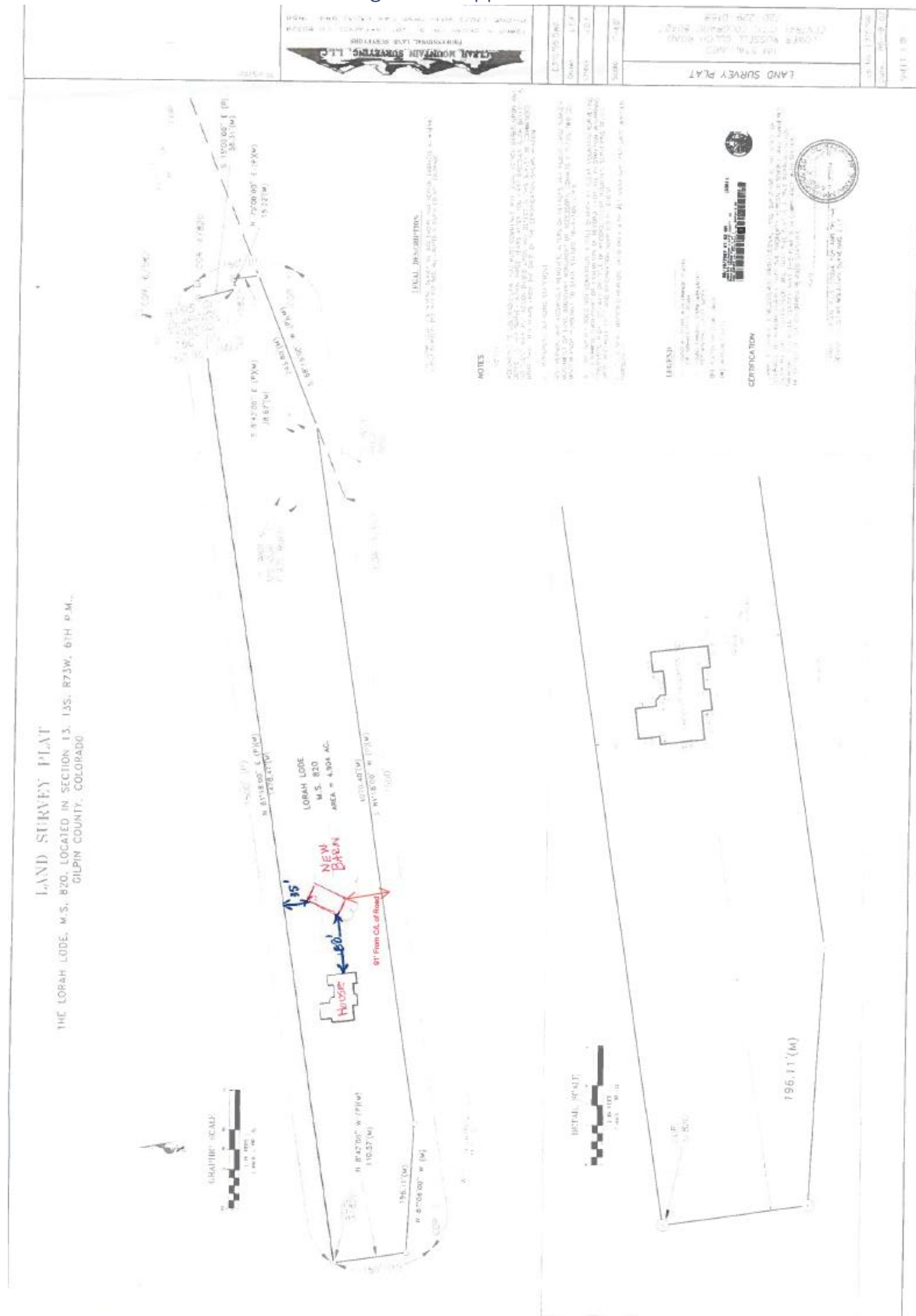
Timothy L. White, Julie A Marble-White

Description of Code Complaint* ?

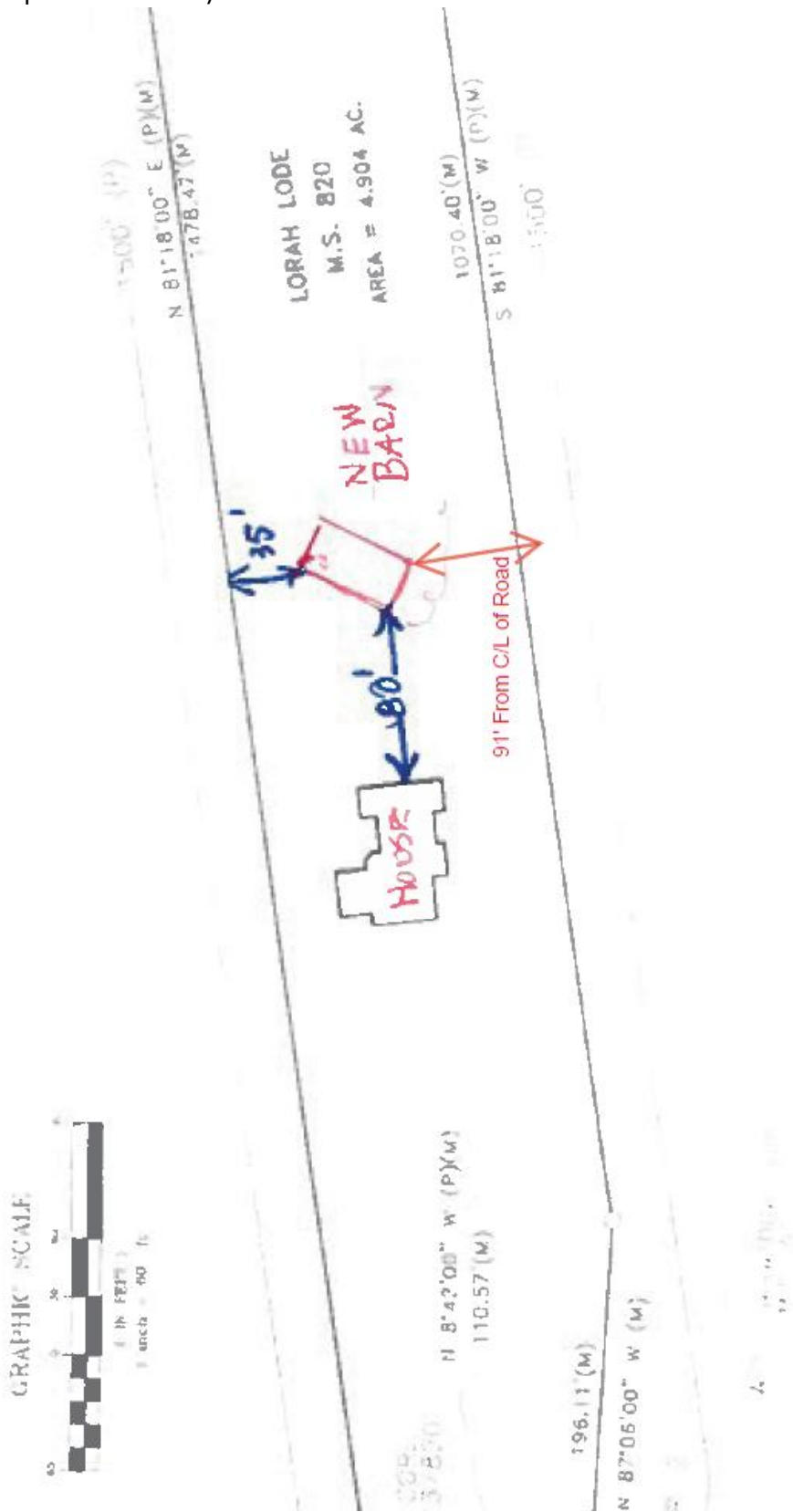
A portion of a recently constructed barn is encroaching on the 15ft setback for Resource Residential Zones



Attachment 8: BLDG-24-27 – Building Permit Application Documentation for Barn

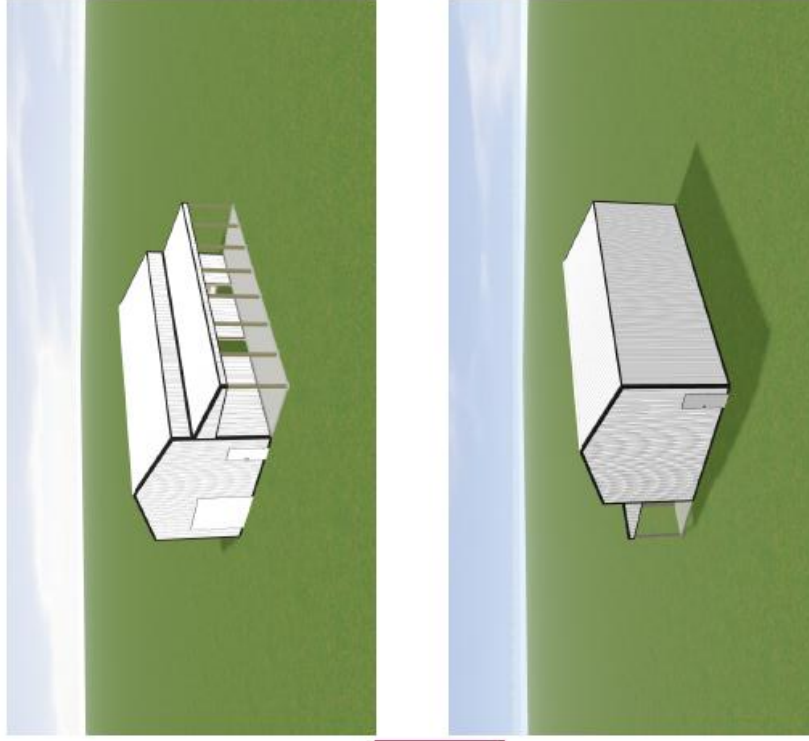


(Site plan zoomed in)



Summary	
Width	30'
Length	50'
Ceiling Height	18'
Overhangs	0'
Roof Pitch	4/12

Job Information	
Project Name	White
Company Name	Stellar Construction
Contact	Stacey Pearson
Phone	7208222936
Customer Email	stellarconst@gmail.com
Delivery Address	940 Missouri Flats Rd, Central City, CO
ZIP code	80427
Desired Date	4/14/2024
Comments	
Customer Name	Tim White
Loading	See Below
Sales Tax Rate	



Structural Specifications	Structural Design Criteria
MATERIALS: -Dimension Lumber (2x) protected from weather/moisture. -Hem-Fir No. 2 or better, unless noted otherwise. -Laminated Veneer Lumber (LVL): 2.0E/2550Fb -All lumber exposed to weather/moisture, or within 18" of subgrade: Preservative-treated Southern Pine, No. 2 or better. -Concrete: 3000psi, normal weight, 3/4" aggregate, Type (II) portland cement, 5-7% Air Content, 1% max chloride on content. GEOTECHNICAL: The foundation has been designed without recommendations from a geotechnical study. The user of these drawings assumes all liability for using and responsibility for verifying the following assumptions: -Soil type is Medium-to-Stiff or Stiff-to-Hard cohesive (CL, CH, ML, MH), or Medium Dense or Very Dense cohesionless (SM, SC, SP, SM/SP, SC/SW, SW, SC/SW, SP/GW, GP, GW/GC, GC, SC). -Soil is located above the groundwater table. -Contact engineer if any of these assumptions are found to be questionable.	Code: 2018 IRC -Risk Category: I -Roof Dead Load = 10psf (incl. 5psf for solar) -Ground Snow Load: $p_s = 112\text{psf}$ -Snow Exposure Factor: $C_e = 1.0$ (Ex. C, part-sheltered) -Snow Thermal Factor: $C_t = 1.2$ -Snow Sloped Roof Factor: $C_d = 1.0$ -Snow Importance Factor: $I_s = 0.8$ -Roof Snow Load: $p_s = .7(1.0)(1.2)(1.0)(0.8)(112\text{psf}) = 75\text{psf}$ -Ultimate Wind Speed: $V_{ult} = 130\text{mph}$ -Wind Exposure Category: C -Topographic Effects: No -Ground Elevation Factor: $K_z = 0.72$ for 800' elevation

open hole inspection
is required

If unable to meet depth due to boulders or bedrock, engineer revisions are required



Homeowner Affidavit

Permit Number: BLDG-24-27
Property Address: 940 Missouri Flats Rd
Phone Number: 720.402.9001

Homeowner Name: Tim White
Email Address: twaggie87@gmail.com

Electrical and plumbing contractors are licensed by the State of Colorado to help ensure that they are competent and capable of meeting the relevant technical and safety standards for your project. Each license type has a defined set of competence criteria that contractors must meet to achieve and maintain a license. Gilpin County requires electrical and plumbing contractors to be registered prior to doing any work within its boundaries. General, mechanical and roofing contractors are not licensed by the State of Colorado. Gilpin County Department of Community Development requires that these contractors be registered through the county prior to doing any work within its boundaries. Gilpin County requires that contractors show proof of current workman's compensation and liability insurance, and current state licensing when required. Using an un-licensed, un-registered or un-insured contractor may lead to unintended consequences. Each contractor should have proof of licensing, registration, insurance and warranty information available to you.

Please initial the numbers below that are applicable for your permit regarding the general contractor and sub-contractors for mechanical, electrical, and plumbing. We cannot accept check marks or exes on a legal form.

CB 1. I affirm, as the homeowner, I will be acting as my own **General Contractor**. I understand how to manage the project and when to request inspections.

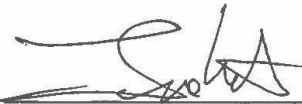
NA 2. I affirm, as the homeowner, I will do all of my own **mechanical** work. I understand the correct way to do mechanical work and when to request inspections.

NA 3. I affirm, as the homeowner, I will do all of my own **electrical** work. I understand the correct way to do electrical work and when to request inspections.

NA 4. I affirm, as the homeowner, I will do all of my own **plumbing** work. I understand the correct way to do plumbing work and when to request inspections.

This Form Must be Notarized

By signing below, I certify that all the work indicated above will be personally performed by me, the homeowner. I will have work inspected prior to covering and upon completion of the project prior to occupancy. All work will be done in accordance with all building codes and ordinances adopted by Gilpin County.


Homeowner Signature

4/22/24
Date

State of Colorado



County of Jefferson <N>

Signed before me on 4/22/24 ^{BRZ} (date) by Tim White (name(s) of individual(s))

B. Zeigler
Signature of notarial officer

Stamp

Notary Public (Title of office))

BENJAMIN R ZEIGLER
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20214027500
MY COMMISSION EXPIRES 07/09/2025



NFPD

Public Notice

NOTICE OF PUBLIC HEARING

Notice is hereby given for a Public Hearing before the Board of County Commissioners, in which the Board of County Commissioners will consider for approval a requested building envelope adjustment previously approved by the Board of County Commissioners via resolution SBE 19-02P

The public hearing will be held on October 28th, 2025 at 9:30 a.m. or later in the Commissioner's Meeting Room at the Historic Gilpin County Court House 203 Eureka St. Central City, Colorado. Any and all documents pertaining to this matter may be viewed between the hours of 7:30 a.m. and 5:30 p.m., Monday through Thursday at the Historic Gilpin County Court House, Department of Community Development.

Subject Property: That portion of Section 31, Township 1 South, Range 72 West of the 6th P.M., Shown as Parcel B1 on North County Road Exemption Plat Recorded July 15, 2021, Reception No. 169724. Also known as: R114878.

The meeting will be held in person and broadcast live via Zoom. Members of the public will be able to participate virtually. A link to the live broadcast can be found on the Gilpin County website under the public meetings tab. All interested persons wishing to be heard are invited to said public meeting. Written comments or questions can be emailed to: jzeman@gilpincounty.org. This meeting may be continued as many times as may be found necessary. Those individuals requiring special accommodation to participate please contact Jamie Boyle at (303)582-5831.

Public Notice

NOTICE OF PUBLIC HEARING

Notice is hereby given for a Public Hearing before the Board of Adjustment, in which the Board of Adjustment will consider for approval a requested variance from the setback standards of the Gilpin County Zoning Regulations Sec. 2.3.

The public hearing will be held on October 28th, 2025 at 9:40 a.m. or later in the Commissioner's Meeting Room at the Historic Gilpin County Court House 203 Eureka St. Central City, Colorado. Any and all documents pertaining to this matter may be viewed between the hours of 7:30 a.m. and 5:30 p.m., Monday through Thursday at the Historic Gilpin County Court House, Department of Community Development.

Subject Property: 940 Missouri Flats Rd. Central City, CO 80427.

The meeting will be held in person and broadcast live via Zoom. Members of the public will be able to participate virtually. A link to the live broadcast can be found on the Gilpin County website under the public meetings tab. All interested persons wishing to be heard are invited to said public meeting. Written comments or questions can be emailed to: jzeman@gilpincounty.org. This meeting may be continued as many times as may be found necessary. Those individuals requiring special accommodation to participate please contact Jamie Boyle at (303)582-5831.

Visit

GILPIN COUNTY



Plein Air Art Exhibition - Through October 5

First Saturday Artisan Market - Saturday, October 4

Musical Menagerie - Saturday, October 4

Plein Air Artists Colorado Exhibition - August 25 to October 5, 2025

Pumpkin Patch - October 4 and 5

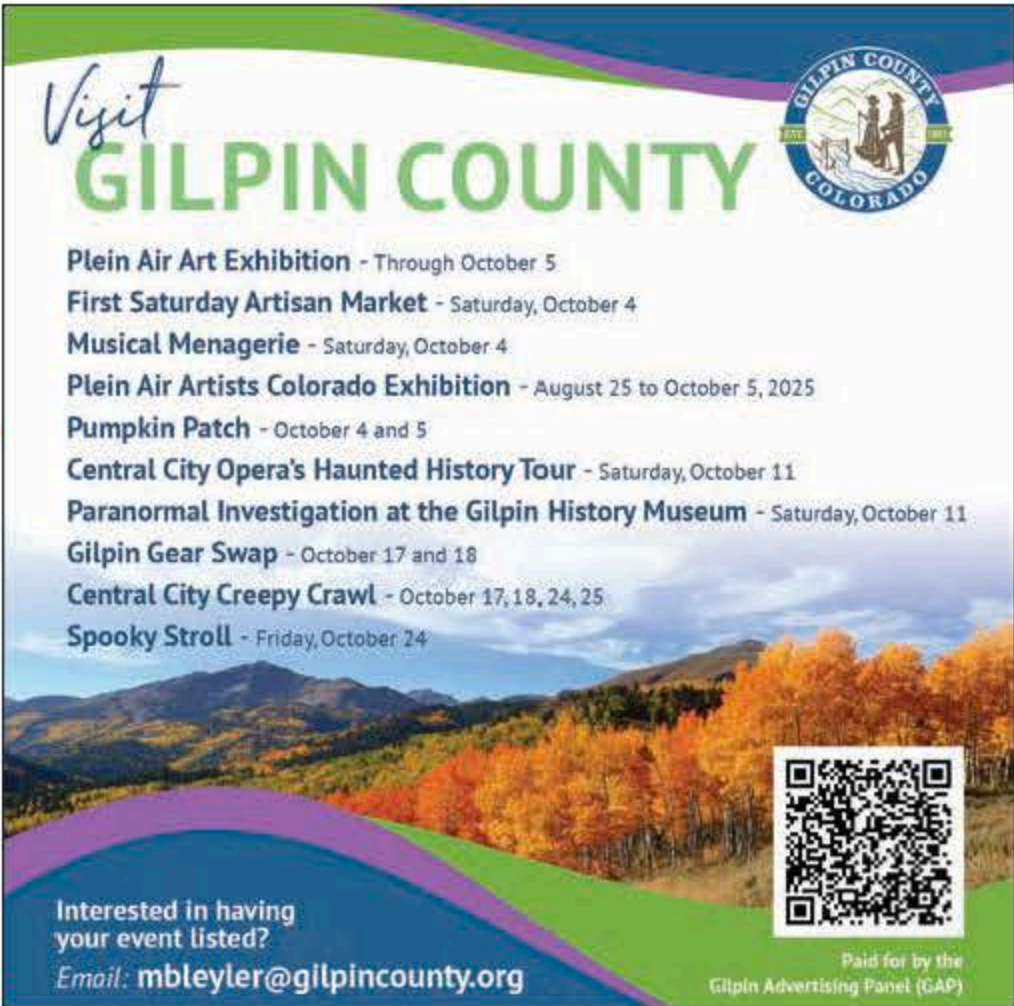
Central City Opera's Haunted History Tour - Saturday, October 11

Paranormal Investigation at the Gilpin History Museum - Saturday, October 11

Gilpin Gear Swap - October 17 and 18

Central City Creepy Crawl - October 17, 18, 24, 25

Spooky Stroll - Friday, October 24



Interested in having your event listed?

Email: mbleyler@gilpincounty.org



Paid for by the

Gilpin Advertising Panel (GAP)



BLE-25-05: A Resolution Approving a Boundary Line Elimination to Combine Parcels A (R005045) and B (R005046) into a Single Parcel A1 in Section 2, Township 2 South, Range 72 West

Agenda Item Staff Report, Board of County Commissioners

Requested by: Jamie Boyle, Community Development Director, Community Development

Additional Presenters: Brian Smith, Code Enforcement Officer

Meeting Date: October 28, 2025

Public Hearing Required? Yes

Background/Request Description: The Applicants, Thomas and Susannah Simone, are petitioning the Gilpin County Board of County Commissioners to eliminate the boundary line between their properties (Parcel A and Parcel B) to form a singular parcel to be known as Parcel A1 (Attachment 1). Both parcels are currently vacant but have been developed as an access road crosses the parcels, and a house site was cleared on Parcel B.

Requested Action: Approve, approve with conditions, continue the public hearing, or deny the request

Alternatives:

Fiscal Impacts: None.

Legal Impacts: None.

Environmental Impacts: None.

Human Resources Impacts: None.

Grant-Related? No.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
COUNTY OF GILPIN, STATE OF COLORADO**

**RESOLUTION APPROVING A BOUNDARY LINE ELIMINATION COMBINING PARCELS KNOWN AS
R005045 AND R005046 INTO ONE PARCEL NOW KNOWN AS PARCEL A1, LOCATED IN SECTION
2, TOWNSHIP 2 SOUTH, RANGE 72 WEST**

WHEREAS, Thomas and Susannah Simone (“Applicants”), owners of parcels known as R00545 and R00546, specifically described in Exhibit A attached hereto, have petitioned the Board of County Commissioners to have said parcels consolidated into one lot, which shall henceforth be known as Parcel A1, located in Section 2, Township 2 South, Range 72 West; and

WHEREAS, pursuant to C.R.S. §30-28-139(4) all owners of the above-described parcels have requested in writing by signing the Authorizing to Apply for BLE-25-5 that the subject parcels be merged, attached hereto as Exhibit B; and

WHEREAS, pursuant to C.R.S. §30-28-139(3)(b) this Resolution shall serve as the Notice of Merger; and

WHEREAS, said request is in accordance with Gilpin County Zoning Regulations; and

WHEREAS, by approving this BLE, the Board of County Commissioners of the County of Gilpin neither represent nor imply that the resulting parcel will be suitable for development under Gilpin County Zoning Regulations or Gilpin County Onsite Wastewater Treatment System (“OWTS”) Regulations or guarantee access for emergency services.

NOW THEREFORE, be it resolved by the Board of County Commissioners of the County of Gilpin that Resolution BLE-25-5 is hereby _____.

ADOPTED this _____ day of _____, 2025, by a vote of _____ to _____.

ATTEST:

BOARD OF COUNTY COMMISSIONERS

Kimberly Kaufman, Deputy Clerk

Sandy Hollingsworth, Chair

ACKNOWLEDGMENT

STATE OF COLORADO)
) ss
COUNTY OF GILPIN)

Sandy Hollingsworth, Chair, and Kimberly Kaufman, Deputy County Clerk, County of Gilpin, acknowledged the foregoing Resolution before me this _____ day of _____, 2025.

Witness my hand and official seal.

Notary Public

Guide to Exhibits:

Exhibit A: Current Warranty Deed with legal descriptions.

Exhibit B: BLE Survey of the parcels

WARRANTY DEED

THIS DEED, Made this 6th day of July, 2017 between

Mark Apperson

of the County of Dallas, in the State of Texas, grantor, and

Thomas Simone and Susannah Simone, as Joint Tenants

Whose legal address is 8803 Tuscan Hill Dr. Garden Ridge, TX 78266 of the County of Comal, in the State of Texas, grantees:

WITNESSETH, that the grantor, for and in consideration of the sum of One Hundred Fifty Thousand and 00/100 DOLLARS, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm unto the grantee(s), their heirs and assigns forever, not in tenancy in common but in joint tenancy, all the real property, together with improvements, if any, situate, lying and being in the County of Gilpin and State of Colorado, described as follows:

See attached Exhibit 'A'

also known by street and number as 430 Star Peak Road Black Hawk CO 80422

TOGETHER with all and singular the hereditaments and appurtenances thereto 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 grantor(s), 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 grantee(s), their heirs and assigns forever. And the grantor(s), for himself has granted, bargained, sold and conveyed, and by these presents does for himself, his heirs and personal representatives, covenant, grant, bargain, and agree to and with the grantee(s), their heirs and assigns, that at the time of the ensembling and delivery of these presents, he is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind of nature soever, except and subject to:

General Taxes for the year 2017 and subsequent years; and those specific exceptions described by reference to recorded documents as reflected in the Title documents accepted by Grantee(s) in accordance with Section 8.1 (Record Title Matters) of the contract to buy and Sell real estate relating to the above described real property; distribution utility easements (including, cable TV); those specifically described rights of third parties not shown by the public records of which Grantee(s) has actual knowledge and which were accepted by Grantee(s) in accordance with Section 8.2 (Off Record Title Matters) and Section 9 (Current Survey Review) of the Contract to Buy and Sell Real estate relating to the above described property; inclusion of the Property within any special taxing district; the benefits and burdens of any recorded declaration and party wall agreements, if any.

The grantor(s) shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the grantee(s), their heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof. The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

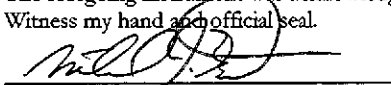
IN WITNESS WHEREOF the grantor(s) has executed this deed on the date set forth above.


Mark Apperson

State of Colorado)
)ss.
County of Gilpin)

MICHAEL J. GILBERT
Notary Public
State of Colorado
Notary ID # 20094015211
My Commission Expires 05-13-2021

The foregoing instrument was acknowledged before me on July 6, 2017, by Mark Apperson
Witness my hand and official seal.



Notary Public

Attached to and forming a part of Deed from Mark Apperson to Thomas Simone and Susannah Simone, as Joint Tenants

Exhibit 'A'

Parcel A;

The Northeast Quarter of the Northwest Quarter of the Southwest Quarter (NE NW SW) of Section 2, Township 2 South, Range 72 West of the 6th P.M.,
County of Gilpin, State of Colorado.

Parcel B:

The Northwest Quarter of the Northwest Quarter of the Southwest Quarter (NW NW SW) of Section 2, Township 2 South, Range 72 West of the 6th P.M.,
County of Gilpin, State of Colorado.

Parcel C:

An non-exclusive easement for ingress and egress, on an existing road over and across Lot 33, Wedgwood Wilderness, Unit 2, located in the Southeast Quarter of Section 3, Township 2 South, Range 72 West of the 6th P.M., 40 feet in width and being 20 feet on either side of the centerline described as follows:

Beginning at a point on the centerline of said existing road and the northerly property line of said Lot 33, from which the East 1/4 Corner of said Section 3 bears N. $12^{\circ}24'41''$ E., 855.14 feet; thence N. $62^{\circ}32'$ E., a distance of 38.8 feet; thence N. $43^{\circ}51'$ E., a distance of 46.6 feet; thence N. $33^{\circ}25'$ E., a distance of 122.8 feet; thence N. $37^{\circ}21'$ E., a distance of 44.2 feet; thence N. $55^{\circ}37'$ E., a distance of 14.0 feet to a point on the east line of the Southeast Quarter of said Section 3 and the Point of Terminus, from which said East 1/4 Corner of said Section 3 bears N. $01^{\circ}00'00''$ E., 638.25 feet,
County of Gilpin, State of Colorado.



BOUNDARY LINE ELIMINATION PLAT

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 2,
TOWNSHIP 2 SOUTH, RANGE 72 WEST OF THE 6TH P.M.,
COUNTY OF GILPIN, STATE OF COLORADO

SHEET 1 OF 1

Parcel Description

(PROVIDED BY CLIENT)

PARCEL A:
NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 2,
TOWNSHIP 2 SOUTH, RANGE 72 WEST OF THE 6TH P.M.,
COUNTY OF GILPIN, STATE OF COLORADO.

PARCEL B:
NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 2,
TOWNSHIP 2 SOUTH, RANGE 72 WEST OF THE 6TH P.M.,
COUNTY OF GILPIN, STATE OF COLORADO.

Boundary Closure Report

COURSE: N87°13'00"E LENGTH: 1240.40'
COURSE: S01°28'04"E LENGTH: 642.78'
COURSE: S87°12'20"W LENGTH: 1257.05'
COURSE: N00°00'47"E LENGTH: 643.62'

ERROR CLOSURE: 0.007' COURSE: S81°13'36"W
ERROR NORTH: -0.0011' EAST: -0.0072'

PRECISION 1: 540550

Legend

- FOUND ALIQUOT MONUMENT AS DESCRIBED
- FOUND MONUMENT AS DESCRIBED
- (AM) AS MEASURED AT TIME OF SURVEY
- (C) CALCULATED FROM RECORD AND AS MEASURED INFORMATION
- (S) AS PER SURVEY DATED JULY 18, 2005
- GRAVEL ROAD
- OVERHEAD UTILITY LINE
- UTILITY POLE

Owner's Certificate

THOMAS & SUSANNAH SIMONE

BY THOMAS SIMONE, OWNER DATE

BY SUSANNAH SIMONE, OWNER DATE

ACKNOWLEDGEMENT

STATE OF COLORADO)
)SS.
COUNTY OF)
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF
_____, 20____, BY <OWNER'S NAME>.

WITNESS MY HAND AND SEAL.

MY COMMISSION EXPIRES: DATE NOTARY PUBLIC

MY ADDRESS IS: _____

Board of County Commissioners Approval

THIS BOUNDARY LINE ELIMINATION APPROVED
BY THE GILPIN COUNTY BOARD OF COUNTY COMMISSIONERS

THIS _____ DAY OF _____ 20____

CHAIRPERSON: _____

ATTEST: _____

Clerk & Recorder's Certificate

STATE OF COLORADO)

COUNTY OF _____)SS

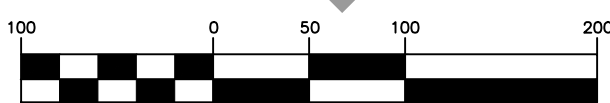
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED IN MY OFFICE AT ____
O'CLOCK ____ M., THIS ____ DAY OF _____, 20____, AND IS DULY RECORDED
IN PLAN FILE _____

FEES \$ _____ PAID. RECORDER

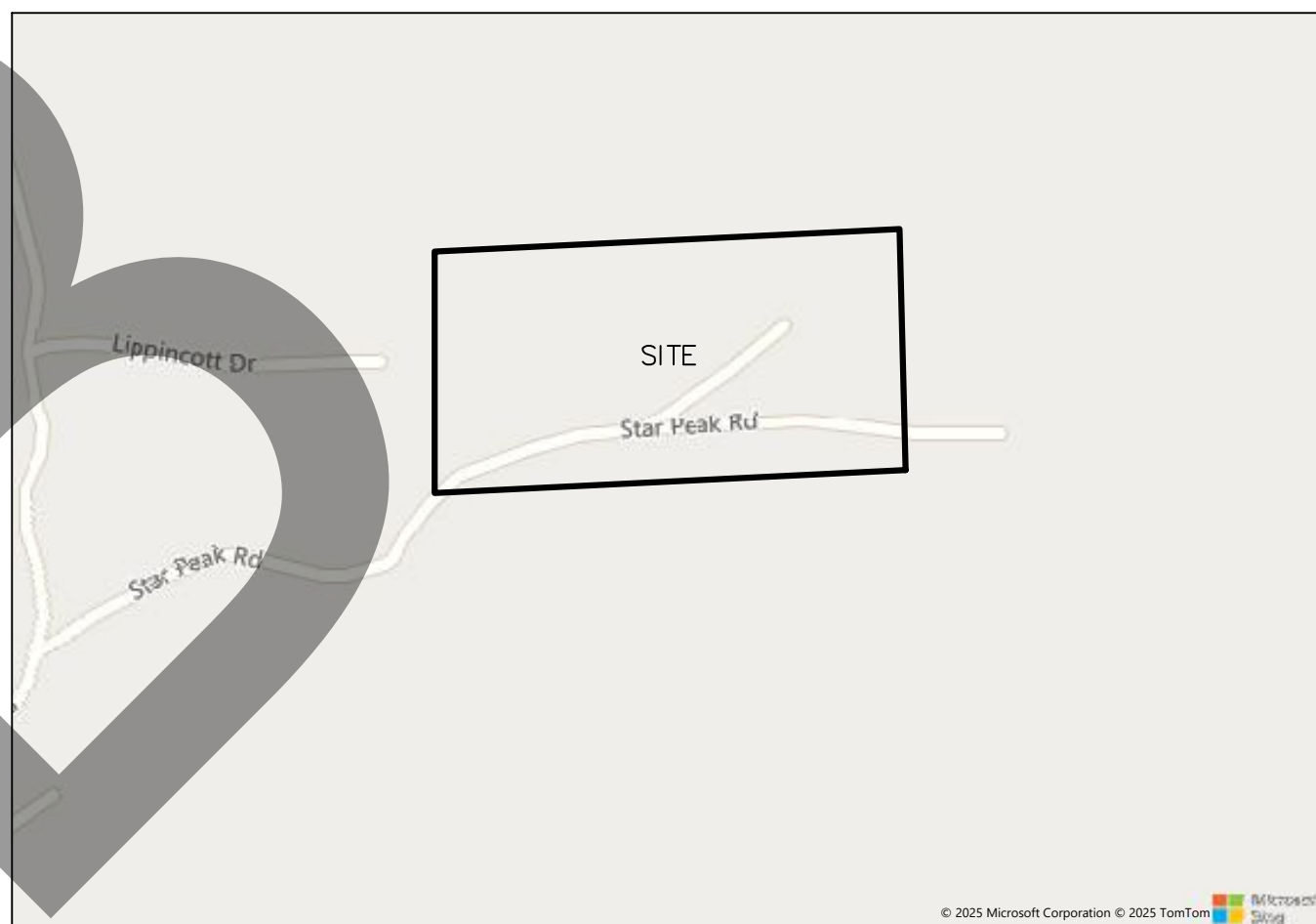
RECEPTION NO. _____ DEPUTY

FILM # _____

GRAPHIC SCALE



(IN FEET)
1 inch = 100 ft.



Vicinity Map
NOT TO SCALE

Notes

- THIS EXHIBIT WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT OR BINDER. EASEMENTS AND RIGHTS-OF-WAY DISCOVERED IN THE COURSE OF OUR INVESTIGATION ARE SHOWN HEREON. EASEMENTS SUCH AS UNRECORDED EASEMENTS MAY NOT HAVE BEEN DISCOVERED IN OUR SEARCH AND MAY AFFECT THE SUBJECT PROPERTY. IT IS RECOMMENDED THAT THE CLIENT OBTAIN A CURRENT TITLE COMMITMENT OR BINDER TO FURTHER AID IN RESEARCHING EASEMENTS, RIGHTS-OF-WAY AND ENCUMBRANCES THAT MAY AFFECT THE SUBJECT PROPERTY.
- ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
- THIS BOUNDARY LINE ELIMINATION PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THOMAS & SUSANNAH SIMONE, NAMED IN THE STATEMENT HEREON. SAID STATEMENT DOES NOT EXTEND TO ANY UNNAMED PERSON WITHOUT AN EXPRESS STATEMENT BY THE SURVEYOR NAMING SAID PERSON.
- THIS SURVEY IS VALID ONLY IF PRINT HAS SEAL AND SIGNATURE OF SURVEYOR.
- BASIS OF BEARINGS: GPS DERIVED BEARINGS BASED ON A BEARING OF N87°13'00"E ALONG THE NORTH LINE OF THE NORTH 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 2, BETWEEN A FOUND 2" PIPE WITH 3" STEEL CAP STAMPED "W 1/4 SEC 2 3-2 T2S R72W 2001 LS 7361" AT THE WEST 1/4 CORNER OF SECTION 2 AND A FOUND 2" PIPE WITH 3" STEEL CAP STAMPED "SE COR SW1/4 NW1/4 SEC 2 T2S R72W 1664 LS 7361" AT THE NORTHEAST CORNER OF THE NORTH 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 2 AS SHOWN HEREON. COLORADO STATE PLANE COORDINATE SYSTEM, NORTH ZONE, NORTH AMERICAN DATUM 1983 (NAD83). ALL BEARINGS SHOWN HEREON ARE RELATIVE THERETO.
- ONLY SURFACE EVIDENCE OF UTILITIES VISIBLE AT THE TIME OF THE FIELDWORK IS SHOWN HEREON. ALL UNDERGROUND UTILITIES MUST BE FIELD LOCATED BY THE APPROPRIATE AGENCY OR UTILITY COMPANY PRIOR TO ANY EXCAVATION, PURSUANT TO C.R.S. SEC. 9-1.5-103.
- ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT AND/OR BOUNDARY MONUMENT OR ACCESSORY, COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE C.R.S. SEC 18-4-508. WHOEVER WILLFULLY DESTROYS, DEFACES, CHANGES, OR REMOVES TO ANOTHER PLACE ANY SECTION CORNER, QUARTER-SECTION CORNER, OR MEANDER POST, ON ANY GOVERNMENT LINE OF SURVEY, OR WILLFULLY CUTS DOWN ANY WITNESS TREE OR ANY TREE BLAZED TO MARK THE LINE OF A GOVERNMENT SURVEY, OR WILLFULLY DEFACES, CHANGES, OR REMOVES ANY MONUMENT OR BENCH MARK OF ANY GOVERNMENT SURVEY, SHALL BE FINED UNDER THIS TITLE OR IMPRISONED NOT MORE THAN SIX MONTHS, OR BOTH. 18 U.S.C. § 1858.
- THE DISTANCE MEASUREMENTS SHOWN HEREON ARE U.S. SURVEY FOOT.
- DATES OF FIELDWORK: JULY 10, 2025
- CONSIDERATION WAS GIVEN TO THE SURVEY BY PETER PALOMBO, LS 33187, DATED 7/18/05, APPARENTLY UNRECORDED, WHICH WAS PROVIDED TO FLATIRONS BY THE CLIENT. TO BE USED AS THE BASIS OF THE LOT LINE ELIMINATION PLAT. SAID PALOMBO SURVEY SHOWS PARTIAL SECTION INFORMATION. MONUMENT RECORDS PURPORTED TO BE PREPARED BY PALOMBO SUBSEQUENT TO SAID SURVEY WERE NOT FOUND.

Surveyor's Statement

I, JAMES Z. GOWAN, A LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, HEREBY STATE FOR AND ON BEHALF OF FLATIRONS, INC., TO THOMAS & SUSANNAH SIMONE, THAT A SURVEY OF THE ABOVE DESCRIBED PREMISES WAS CONDUCTED BY ME OR UNDER MY RESPONSIBLE CHARGE ON JULY 10, 2025. THAT SAID SURVEY AND THE ATTACHED PRINT HEREON WERE MADE IN SUBSTANTIAL ACCORDANCE WITH C.R.S. 38-51-102 (12) "LAND SURVEY PLAT" IS ACCURATE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, IS IN ACCORDANCE WITH APPLICABLE STANDARDS OF PRACTICE AND IS NOT A GUARANTY OR WARRANTY, EITHER EXPRESSED OR IMPLIED.

JAMES Z. GOWAN COLORADO P.L.S. #29038
VICE PRESIDENT, FLATIRONS, INC.

REVISION	DATE
1	
2	
3	
4	
5	
6	
7	
8	
9	

BOUNDARY LINE ELIMINATION PLAT

PREPARED FOR

THOMAS & SUSANNAH SIMONE

COPYRIGHT 2025 FLATIRONS, INC.

Flatirons, Inc.

Land Surveying Services
www.FlatironsInc.com

7000 N. BROADWAY,
SUITE 203
LONGMONT, CO 80501
(303) 776-1733
(303) 936-6997



DRAFT
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ONLY FINAL VERSION
WILL HAVE STAMP
AND SIGNATURE
(SEAL)

JOB NUMBER:

25-82,755

DATE:

08-14-2025

DRAWN BY:

M. ROBAK

CHECKED BY:

SB/JJK/JZG

SHEET 1 OF 1

Staff Report

Department of Community Development

203 Eureka St. Central City, CO 80427



Case Details

To: Gilpin County Board of County Commissioners

From: Brian Smith, Code Enforcement Officer

Meeting Date & Time: October 28th, 2025; Public Hearing 9:30AM or later

Meeting Location: 203 Eureka St. Central City, CO 80427

File Number: BLE-25-5

Petition Type: Boundary Line Elimination

Applicant: Thomas & Susannah Simone

Subject Property(s): Parcel A described as: The Northeast Quarter of the Northwest Quarter of the Southwest Quarter (NE NW SW) of Section 2, Township 2 South, Range 72 West of the 6th P.M., County of Gilpin, State of Colorado. Also known as Parcel ID Number: 171102300006, Assessor Account Number: R005045

Parcel B: The Northwest Quarter of the Northwest Quarter of the Southeast Quarter (NW NW SW) of Section 2, Township 2 South, Range 72 West of the 6th P.M., County of Gilpin, State of Colorado. Also known as Parcel ID Number: 171102300010, Assessor Account Number: R005046

Easement on Parcel B described in Book 248, Page 64.

Subject Property Zoning: RR, Resource Residential

Executive Summary

The Applicants and owners of the subject properties, Thomas and Susannah Simone, are petitioning the Gilpin County Board of County Commissioners to eliminate the boundary line between their properties (Parcel A and Parcel B) to form a singular parcel to be known as Parcel A1 (Attachment 1). Both parcels are currently vacant but have been developed previously, as an access road crosses the parcels, and a house site was cleared on Parcel B.

The existing driveway was graded and a homesite was excavated on Parcel B under grading permit 18-10-203 issued on October 4th, 2018 (Attachment 2). This Boundary Line Elimination (BLE) is subject to Section 5.5 (A)(2) of the Gilpin County Zoning Regulations for Subdivision Exemption, which states that any lot or parcel may be combined with an existing developed parcel.



Site Location



Zoning Regulations Section 5.5 Subdivision Exemptions

A. Boundary Line Elimination Exemption (BLE)

1. *PURPOSE: BLE exemptions apply when land re-configurations proposing to be exempted from subdivision regulation would combine existing lots or parcels through the elimination of existing boundary line(s) only.*

2. *STANDARDS: Any lot or parcel may be combined with an existing developed parcel. If all parcels to be combined are presently vacant, and if none of the subject parcels alone could be developed according to current zoning and Onsite Wastewater Treatment System (OWTS) regulations, then the resulting combined parcel must be able to meet all required setbacks and accommodate an OWTS.*

Staff Recommendation

Staff are recommending approval of BLE-25-5. Approval would merge the existing parcels A and B and would create a new parcel known as A1.

Possible Actions

1. **Approval** – Granting the request as presented.
2. **Approval with Conditions** – Approval dependent upon certain conditions being met, as deemed appropriate by the Board.
3. **Denial** – A denial would maintain the separate parcels.



4. **Continuance** – Defers action to a later meeting (date certain). The Board may request additional information (e.g., technical materials, agency comments) to be submitted before the continued hearing.

Report Attachments

Attachment 1: BLE-25-Application Authorization To Apply

Attachment 2: Applicant submitted surveys

Attachment 3: Assessor's Property Reports

Attachment 4: Grading Permit 18-10-203



AUTHORIZATION TO APPLY

Gilpin County

Department of Community Development



Application Number:	BLE-25-5
Primary Applicant:	Thomas Simone
Parcel 1 AAN	171102300006
Parcel 2 AAN	171102300010
Parcel 3 AAN	
Parcel 4 AAN	
Parcel 5 AAN	
Parcel 6 AAN	
Parcel 7 AAN	
Parcel 8 AAN	

The primary applicant is seeking a Boundary Elimination of the above named parcels by Assessor Account Number. Approval of this application will result in the elimination of one or more of these parcels. Once approved and recorded, this process can not be reversed. Previously eliminated parcels can not be re-subdivided. This authorization form will need to be completed by each individual owner that is currently listed on the deeds subject to this Boundary Line Elimination.

By printing and signing my name below, I attest that I am the legal owner of at least one of the subject parcels to this Boundary Line Elimination. I authorize the primary applicant listed on this Boundary Line Elimination application to seek a Boundary Line Elimination with the Gilpin County Board of County Commissioners.

This form must be notarized.

Thomas Simone

Printed Name

Signed Name

State of COLORADO

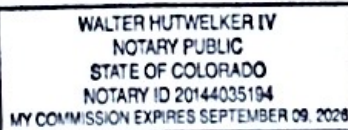
County of DENVER <N>

Signed before me on 8th of October 2025 (date) by Thomas Simone (name(s) of individual(s))

Walter Hutwelker IV
Signature of notarial officer

Stamp

Public Notary (Title of office))



AUTHORIZATION TO APPLY

Gilpin County

Department of Community Development



Application Number:	BLE-25-5
Primary Applicant:	ThomasSimone Susannah Simone
Parcel 1 AAN	171102300006
Parcel 2 AAN	171102300010
Parcel 3 AAN	
Parcel 4 AAN	
Parcel 5 AAN	
Parcel 6 AAN	
Parcel 7 AAN	
Parcel 8 AAN	

The primary applicant is seeking a Boundary Elimination of the above named parcels by Assessor Account Number. Approval of this application will result in the elimination of one or more of these parcels. Once approved and recorded, this process can not be reversed. Previously eliminated parcels can not be re-subdivided. This authorization form will need to be completed by each individual owner that is currently listed on the deeds subject to this Boundary Line Elimination.

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This form must be notarized.

Susannah Simone

Printed Name

Signed Name

State of COLORADOCounty of DENVER <N>Signed before me on 8th of October 2025 (date) by Susannah Simone (name(s) of individual(s))

Signature of notarial officer

Stamp

NOTARY PUBLIC (Title of office))

Parcel Description
(PROVIDED BY CLIENT)

PARCEL A:
NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 2,
TOWNSHIP 2 SOUTH, RANGE 72 WEST OF THE 6TH P.M.,
COUNTY OF GILPIN, STATE OF COLORADO.

PARCEL B:
NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 2,
TOWNSHIP 2 SOUTH, RANGE 72 WEST OF THE 6TH P.M.,
COUNTY OF GILPIN, STATE OF COLORADO.

BOUNDARY LINE ELIMINATION PLAT

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 2,
TOWNSHIP 2 SOUTH, RANGE 72 WEST OF THE 6TH P.M.,
COUNTY OF GILPIN, STATE OF COLORADO

SHEET 1 OF 1

Boundary Closure Report

COURSE: N87°13'00"E LENGTH: 1240.40'
COURSE: S01°28'04"E LENGTH: 642.78'
COURSE: S87°12'20"W LENGTH: 1257.05'
COURSE: N00°00'47"E LENGTH: 643.62'

ERROR CLOSURE: 0.007' COURSE: S81°13'36"W
ERROR NORTH: -0.0011' EAST: -0.0072'

PRECISION 1: 540550

Legend

- FOUND ALIQUOT MONUMENT AS DESCRIBED
- FOUND MONUMENT AS DESCRIBED
- (AM) AS MEASURED AT TIME OF SURVEY
- (C) CALCULATED FROM RECORD AND AS MEASURED INFORMATION
- (S) AS PER SURVEY DATED JULY 18, 2005
- GRAVEL ROAD
- OVERHEAD UTILITY LINE
- UTILITY POLE

Owner's Certificate

THOMAS & SUSANNAH SIMONE

BY THOMAS SIMONE, OWNER DATE

BY SUSANNAH SIMONE, OWNER DATE

ACKNOWLEDGEMENT

STATE OF COLORADO)
)SS.
COUNTY OF)
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF
_____, 20____, BY <OWNER'S NAME>.

WITNESS MY HAND AND SEAL.
MY COMMISSION EXPIRES: _____ DATE _____ NOTARY PUBLIC
MY ADDRESS IS: _____

Board of County Commissioners Approval

THIS BOUNDARY LINE ELIMINATION APPROVED
BY THE GILPIN COUNTY BOARD OF COUNTY COMMISSIONERS

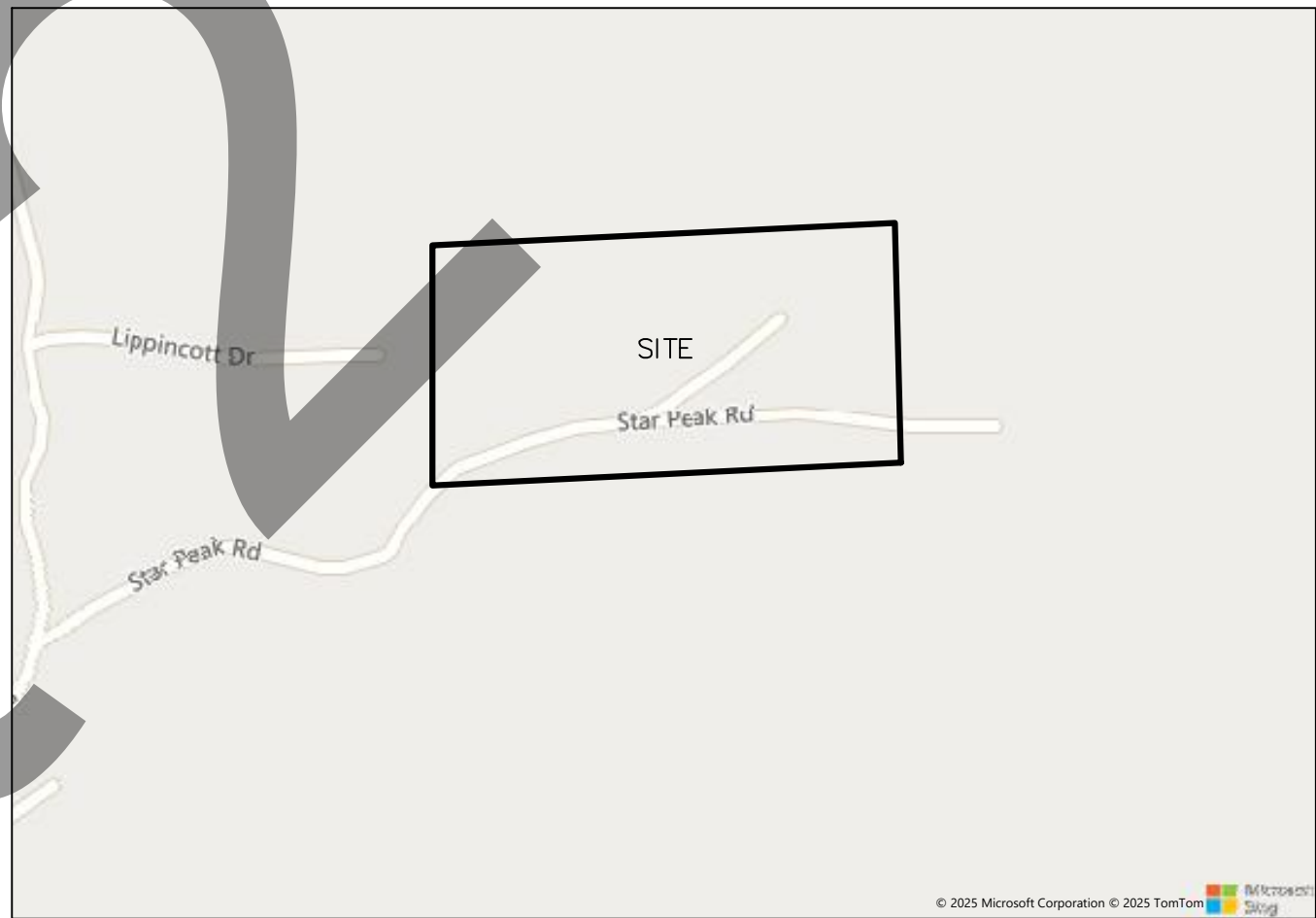
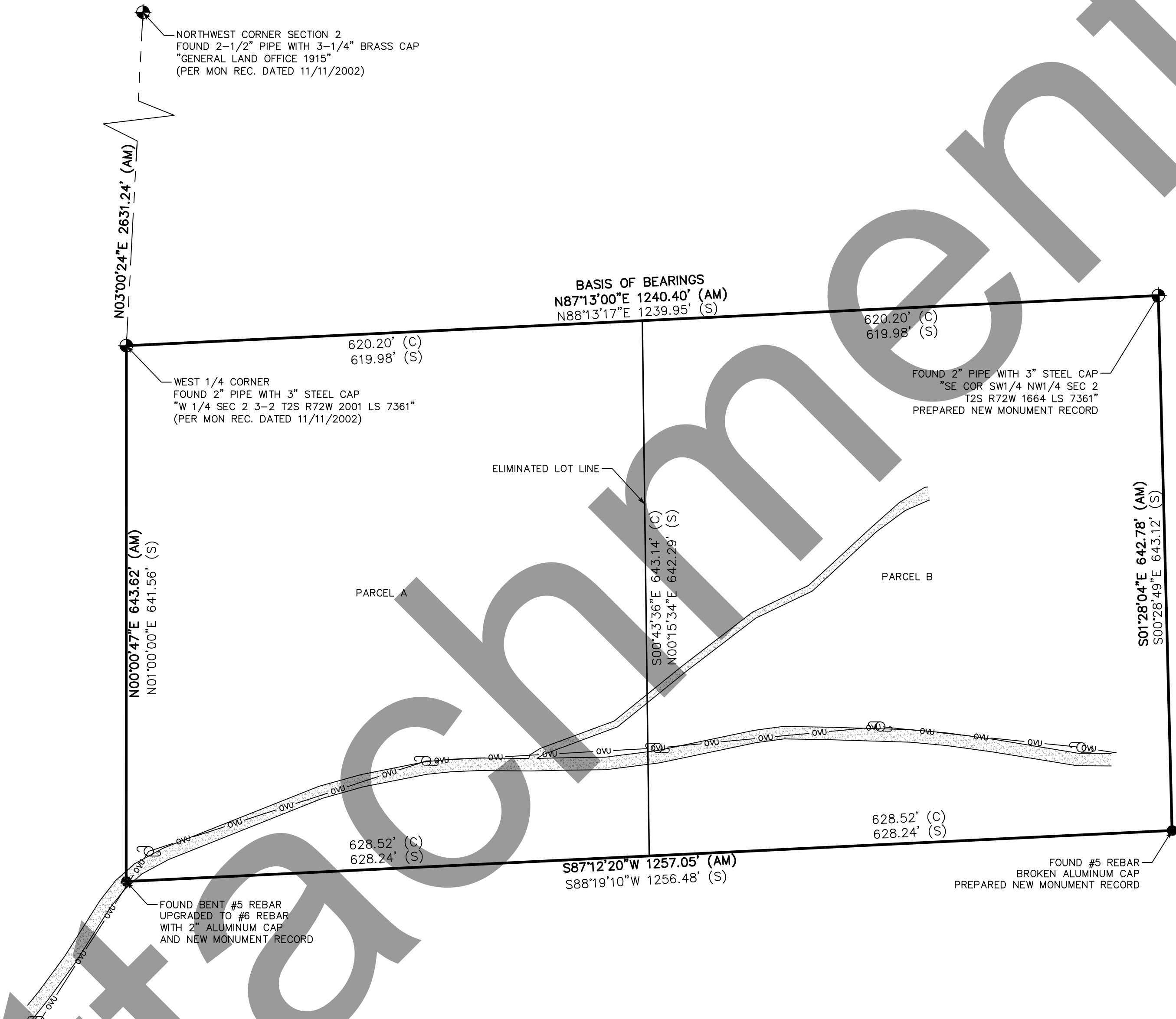
THIS _____ DAY OF _____ 20____

CHAIRPERSON: _____

ATTEST: _____

Clerk & Recorder's Certificate

STATE OF COLORADO)
)SS
COUNTY OF)
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED IN MY OFFICE AT ____
O'CLOCK ____M., THIS ____ DAY OF _____, 20____ AND IS DULY RECORDED
IN PLAN FILE _____
FEES \$ _____ PAID. RECORDER
RECEPTION NO. _____ DEPUTY
FILM # _____



Vicinity Map
NOT TO SCALE

Notes

- THIS EXHIBIT WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT OR BINDER. EASEMENTS AND RIGHTS-OF-WAY DISCOVERED IN THE COURSE OF OUR INVESTIGATION ARE SHOWN HEREON. EASEMENTS SUCH AS UNRECORDED EASEMENTS MAY NOT HAVE BEEN DISCOVERED IN OUR SEARCH AND MAY AFFECT THE SUBJECT PROPERTY. IT IS RECOMMENDED THAT THE CLIENT OBTAIN A CURRENT TITLE COMMITMENT OR BINDER TO FURTHER AID IN RESEARCHING EASEMENTS, RIGHTS-OF-WAY AND ENCUMBRANCES THAT MAY AFFECT THE SUBJECT PROPERTY.
- ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
- THIS BOUNDARY LINE ELIMINATION PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THOMAS & SUSANNAH SIMONE, NAMED IN THE STATEMENT HEREON. SAID STATEMENT DOES NOT EXTEND TO ANY UNNAMED PERSON WITHOUT AN EXPRESS STATEMENT BY THE SURVEYOR NAMING SAID PERSON.
- THIS SURVEY IS VALID ONLY IF PRINT HAS SEAL AND SIGNATURE OF SURVEYOR.
- BASIS OF BEARINGS: GPS DERIVED BEARINGS BASED ON A BEARING OF N87°13'00"E ALONG THE NORTH LINE OF THE NORTH 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 2, BETWEEN A FOUND 2" PIPE WITH 3" STEEL CAP STAMPED "W 1/4 SEC 2 3-2 T2S R72W 2001 LS 7361" AT THE WEST 1/4 CORNER OF SECTION 2 AND A FOUND 2" PIPE WITH 3" STEEL CAP STAMPED "SE COR SW1/4 NW1/4 SEC 2 T2S R72W 1664 LS 7361" AT THE NORTHEAST CORNER OF THE NORTH 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 2 AS SHOWN HEREON. COLORADO STATE PLANE COORDINATE SYSTEM, NORTH ZONE, NORTH AMERICAN DATUM 1983 (NAD83). ALL BEARINGS SHOWN HEREON ARE RELATIVE THERETO.
- ONLY SURFACE EVIDENCE OF UTILITIES VISIBLE AT THE TIME OF THE FIELDWORK IS SHOWN HEREON. ALL UNDERGROUND UTILITIES MUST BE FIELD LOCATED BY THE APPROPRIATE AGENCY OR UTILITY COMPANY PRIOR TO ANY EXCAVATION, PURSUANT TO C.R.S. SEC. 9-1.5-103.
- ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT AND/OR BOUNDARY MONUMENT OR ACCESSORY, COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE C.R.S. SEC 18-4-508. WHOEVER WILLFULLY DESTROYS, DEFACES, CHANGES, OR REMOVES TO ANOTHER PLACE ANY SECTION CORNER, QUARTER-SECTION CORNER, OR MEANDER POST, ON ANY GOVERNMENT LINE OF SURVEY, OR WILLFULLY CUTS DOWN ANY WITNESS TREE OR ANY TREE BLAZED TO MARK THE LINE OF A GOVERNMENT SURVEY, OR WILLFULLY DEFACES, CHANGES, OR REMOVES ANY MONUMENT OR BENCH MARK OF ANY GOVERNMENT SURVEY, SHALL BE FINED UNDER THIS TITLE OR IMPRISONED NOT MORE THAN SIX MONTHS, OR BOTH. 18 U.S.C. § 1858.
- THE DISTANCE MEASUREMENTS SHOWN HEREON ARE U.S. SURVEY FOOT.
- DATES OF FIELDWORK: JULY 10, 2025
- CONSIDERATION WAS GIVEN TO THE SURVEY BY PETER PALOMBO, LS 33187, DATED 7/18/05, APPARENTLY UNRECORDED, WHICH WAS PROVIDED TO FLATIRONS BY THE CLIENT. TO BE USED AS THE BASIS OF THE LOT LINE ELIMINATION PLAT. SAID PALOMBO SURVEY SHOWS PARTIAL SECTION INFORMATION. MONUMENT RECORDS PURPORTED TO BE PREPARED BY PALOMBO SUBSEQUENT TO SAID SURVEY WERE NOT FOUND.

Surveyor's Statement

I, JAMES Z. GOWAN, A LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, HEREBY STATE FOR AND ON BEHALF OF FLATIRONS, INC., TO THOMAS & SUSANNAH SIMONE, THAT A SURVEY OF THE ABOVE DESCRIBED PREMISES WAS CONDUCTED BY ME OR UNDER MY RESPONSIBLE CHARGE ON JULY 10, 2025. THAT SAID SURVEY AND THE ATTACHED PRINT HEREON WERE MADE IN SUBSTANTIAL ACCORDANCE WITH C.R.S. 38-51-102 (12) "LAND SURVEY PLAT" IS ACCURATE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, IS IN ACCORDANCE WITH APPLICABLE STANDARDS OF PRACTICE AND IS NOT A GUARANTY OR WARRANTY, EITHER EXPRESSED OR IMPLIED.

JAMES Z. GOWAN COLORADO P.L.S. #29038
VICE PRESIDENT, FLATIRONS, INC.

REVISION	DATE
1	
2	
3	
4	
5	
6	
7	
8	
9	

BOUNDARY LINE ELIMINATION PLAT

PREPARED FOR

THOMAS & SUSANNAH SIMONE

COPYRIGHT 2025 FLATIRONS, INC.

Flatirons, Inc.
Land Surveying Services
www.FlatironsInc.com

7000 N. BROADWAY,
SUITE 203
DENVER, CO 80221
(303) 936-6997



DRAFT
WORKING COPY ONLY
ONLY FINAL VERSION
WILL HAVE STAMP
AND SIGNATURE
(SEAL)

JOB NUMBER:

25-82,755

DATE:

08-14-2025

DRAWN BY:

M. ROBAK

CHECKED BY:

SB/JJK/JZG

SHEET 1 OF 1

Gilpin County Assessor Data Site

April Nielsen, P.O. Box 338, Central City, CO, 80427

(P) 303 582-5451 | (F) | (E) anielsen@gilpincounty.org

Account Information

PIN	171102300006
ACCOUNTNUMBER	R005045
ACCOUNTTYPE	RealAccount
XCLASSDESC	VACANT LAND
XPROPERTYCODE	0540
XPROPERTYCODEDESC	VACANT 10-34.99 ACRE
PARCELNUMBER	171102300006
SITUS2	BLACK HAWK CO 80422
LEGALSUMMARY	S: 2 T: 2S R: 72W NE 1/4 OF NW 1/4 OF SW 1/4
CITY	BLACK HAWK
ZIP	80422
NEIGHBORHOOD	500_OUTLYING AREA
PLSSLEGAL	S: 2 T: 2S R: 72W
PLSSLEGAL_RANGE	72W
PLSSLEGAL_TOWNSHIP	2S
PLSSLEGAL_SECTION	2
TAXAREID	058_TAX AREA 58-TIMBERLINE FD - 058
OWNERNAME	SIMONE THOMAS & SUSANNAH
OWNERADDRESS	6780 E CEDAR AVE BLDG A APT 601 DENVER, CO 80224
CONFIDENTIAL	0
MODELLIST	1-MODEL_LAND
MAPLINK	https://www.google.com/maps?q=39.9038,-105.423541

Additional Owner Details

Owner Name	Owner Address
SIMONE THOMAS & SUSANNAH	6780 E CEDAR AVE BLDG A APT 601 DENVER, CO 80224

Sales Information

Date	Deed Type	Doc Number	Grantor	Grantee	Amount
07/06/2017	WD	159452	APPERSON MARK	SIMONE THOMAS & SUSANNAH	150,000
10/25/2005	WD	128050	REYNOLDS H ROBERT & KRIST...	APPERSON MARK	125,000
08/10/1993	WD	B: 548 P: 292			36,000

Values and Estimated Taxes

Tax Year	Taxable	Actual	Mill Levy	Estimated Tax
2023	\$31,000.00	\$111,110.00	66.281	\$2,054.71
2024	\$31,000.00	\$111,110.00	66.785	\$2,070.34
2025	\$35,000.00	\$129,630.00	66.785	\$2,337.48

Property Details

Gilpin County Assessor Data Site

April Nielsen, P.O. Box 338, Central City, CO, 80427
(P) 303 582-5451 | (F) | (E) anielsen@gilpincounty.org

Model	Attribute Name	Attribute Value
LAND 1	NEIGHBORHOOD	500_OUTLYING AREA
	ABSTRACT_CODE	0540_VACANT 10-34.99 AC
	LAND_CODE	54000_VAC 10-<35 AC
	ACTUALAREA	10.0000
	USE_CODE	1000_RESIDENTIAL

Property Images



Gilpin County Assessor Data Site

April Nielsen, P.O. Box 338, Central City, CO, 80427

(P) 303 582-5451 | (F) | (E) anielson@gilpincounty.org

Account Information

PIN	171102300010
ACCOUNTNUMBER	R005046
ACCOUNTTYPE	RealAccount
XCLASSDESC	VACANT LAND
XPROPERTYCODE	0540
XPROPERTYCODEDESC	VACANT 10-34.99 ACRE
PARCELNUMBER	171102300010
SITUS2	BLACK HAWK CO 80422
LEGALSUMMARY	S: 2 T: 2S R: 72W NW 1/4 OF NW 1/4 OF SW 1/4 EXCEPT PT DESC 248/64
CITY	BLACK HAWK
ZIP	80422
NEIGHBORHOOD	500_OUTLYING AREA
PLSSLEGAL	S: 2 T: 2S R: 72W
PLSSLEGAL_RANGE	72W
PLSSLEGAL_TOWNSHIP	2S
PLSSLEGAL_SECTION	2
TAXAREOID	058_TAX AREA 58-TIMBERLINE FD - 058
OWNERNAME	SIMONE THOMAS & SUSANNAH
OWNERADDRESS	6780 E CEDAR AVE BLDG A APT 601 DENVER, CO 80224
CONFIDENTIAL	0
MODELLIST	1-MODEL_LAND
MAPLINK	https://www.google.com/maps?q=39.903859,-105.421535

Additional Owner Details

Owner Name	Owner Address
SIMONE THOMAS & SUSANNAH	6780 E CEDAR AVE BLDG A APT 601 DENVER, CO 80224

Sales Information

Date	Deed Type	Doc Number	Grantor	Grantee	Amount
07/06/2017	WD	159452	APPERSON MARK	SIMONE THOMAS & SUSANNAH	150,000
10/25/2005	WD	128050	REYNOLDS H ROBERT & KRIST...	APPERSON MARK	125,000
08/10/1993	WD	B: 548 P: 292			36,000
10/29/1973	STD	B: 0267 P: 2222	JACKSON JAMES R & NINA	LOSH RUSSELL G & D ELLEN	5,000

Values and Estimated Taxes

Tax Year	Taxable	Actual	Mill Levy	Estimated Tax
2023	\$31,000.00	\$111,110.00	66.281	\$2,054.71
2024	\$31,000.00	\$111,110.00	66.785	\$2,070.34
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	ABSTRACT_CODE	0540_VACANT 10-34.99 AC
	LAND_CODE	54000_VAC 10-<35 AC
	ACTUALAREA	10.0000
	USE_CODE	1000_RESIDENTIAL

Property Images





BUILDING PERMIT

PROJECT INFORMATION		
PERMIT NUMBER:	18-10-203	
JOB ADDRESS:	Starr Peak Road <i>-460 Starr Peak Rd -480 Sunrise Ln</i>	
ASSESSOR ACCOUNT NUMBER:	R005045 and R005046	
Permit Type: Grading	Number of Floors:	Total Floor Area:
Remarks:		
PROPERTY OWNER INFORMATION		
OWNER NAME: Thomas & Susannah Simone		
MAILING ADDRESS: 8803 Tuscan Hill Dr, Garden Ridge TX 78266		
PHONE # 210.919.4192	FAX #	E-MAIL:
CONTRACTOR / AUTHORIZED AGENT INFORMATION		
NAME OF COMPANY: owner		
MAILING ADDRESS:		
CONTACT PERSON:		
PHONE #	FAX #	E-MAIL

In consideration of the issuance of this permit, the undersigned hereby agrees to comply with all laws and regulations in placement, construction, demolition, erection or use of the proposed structure or change of occupancy for which this permit is granted, and further agrees that if the regulations are not fully complied with in the placement, construction, demolition, erection, or use of the subject structure this permit shall be revoked by the County Building Official or his/her designee immediately thereafter. No refund of the building permit fee will be made. The building permit is not transferable. A building permit is valid for two years, but may be extended at the sole discretion of the County Building Official or his/her designee. Renewal fee will apply yearly for every outstanding permit, unless the County Building Official or his/her designee is notified that the project is inactive as defined by the currently adopted building code. There is a \$35 fee per Failed Inspections. No Certificate of Occupancy or Certificate of Completion shall be issued until all past due renewal fees and/or Failed Inspection fees are paid in full and the project meets all laws and regulation in place at the time of application. All permits issued in error or on the basis of incorrect information supplied by the applicant shall be invalid. Payment is due at the time of permit issuance.

Thomas Simone
Name (Print)

Thomas Simone
Owner/Authorized Agent Signature (Applicant)

10-3-18
Date

PERMIT FEE – \$50.00

Date Issued: 10-04-2018

Cash ☒ Check ☐ check #

Permit Expiration Date: 10-04-2020

[Signature]
Building Official – Signature
(Approval of Issuance)

10.4.18
Date



GILPIN COUNTY
COMMUNITY DEVELOPMENT DEPARTMENT
CENTRAL CITY COURTHOUSE, 203 EUREKA STREET – 2ND FLOOR
P.O. BOX 661
CENTRAL CITY, CO 80427
Phone: 303-582-5831 – Fax: 303-582-5440



1810203

BUILDING PERMIT APPLICATION

Gilpin County Community Development Department - PO Box 661, Central City CO 80427 (303) 582-5831

BUILDING ADDRESS: 430 Star Peak Rd		DATE: 10-3-18
PARCEL LEGAL DESCRIPTION: R0005045 + R005046		AAN:
USE OF EXISTING BLDG.(S) N/A	EXISTING FLOOR AREA	
USE OF PROPOSED BLDG.(S)	PROPOSED FLOOR AREA**	
DESCRIPTION OF WORK TO BE PERFORMED: Grading of existing drive, excavation of homesite		APPLICANTS VALUATION OF WORK

LEGAL OWNER OF PROPERTY

NAME: Thom & Suzanne Simone	MAILING ADDRESS: 8803 Tuscan Hills Dr
PHONE: 210 919 4192	CITY, STATE, ZIP: Garden Ridge TX 78246

PROJECT DESIGN PROFESSIONAL OR CONTRACTOR

NAME	MAILING ADDRESS
PHONE	CITY, STATE, ZIP

OTHER

EMAIL	FAX
CELL	GATE CODE

Submittals must include the following (items with an asterisk (*) may not be necessary, please ask for details)	
2 total sets of collated building plans, stamped by an architect or engineer, conforming to current building codes; one reduced to 11x17" or smaller. The site plan must be attached to each set.	Site Plan showing access to public road (attach easement if applicable), property lines and setbacks, driveway locations and specification (grade, width, radius), culvert and other drainage treatments (reviewed by Road and Bridge)*, parking and circulations, outdoor lighting (note fixture type and lumen output), septic location, survey*
Mandatory Plan Declaration (snow & wind loads) *	
Floor Plan with square footage noted and labeled (bedroom, bathroom etc.) and showing proposed and existing - **NOTE - SQUARE FOOTAGE IN EXCESS 3,600 MAY REQUIRE FIRE SUPPRESSION SYSTEMS	
Elevations with height indicated	Public Health Septic Permit *
Proof of ownership	Address request form *
Road & Bridge Access Permit *	COMMERCIAL - A third set of complete plans is required *

I certify that the information, plans and exhibits I have submitted are true and correct to the best of my knowledge. If submitted information is insufficient or incomplete, this application will be held in abeyance until such time as all required information is submitted or for which no permit is issued within 180 days following the date of application shall expire by limitation, and the submittal may be thereafter destroyed by the Building Inspector. I understand that I am consenting to allow the County Staff involved in this application or their designees to enter onto and inspect the subject property at any reasonable time, without obtaining prior consent. A survey may be required to verify the location of improvements covered in this permit.

LEGAL OWNER OF PROPERTY: Thom & Suzanne Simone Date 10-3-18
(If acting as agent for legal owner, please attach original Letter of Authorization and sign application.)

Staff Only

Staff Only

Building Approval / Date**Planning Approval / Date**

6/16

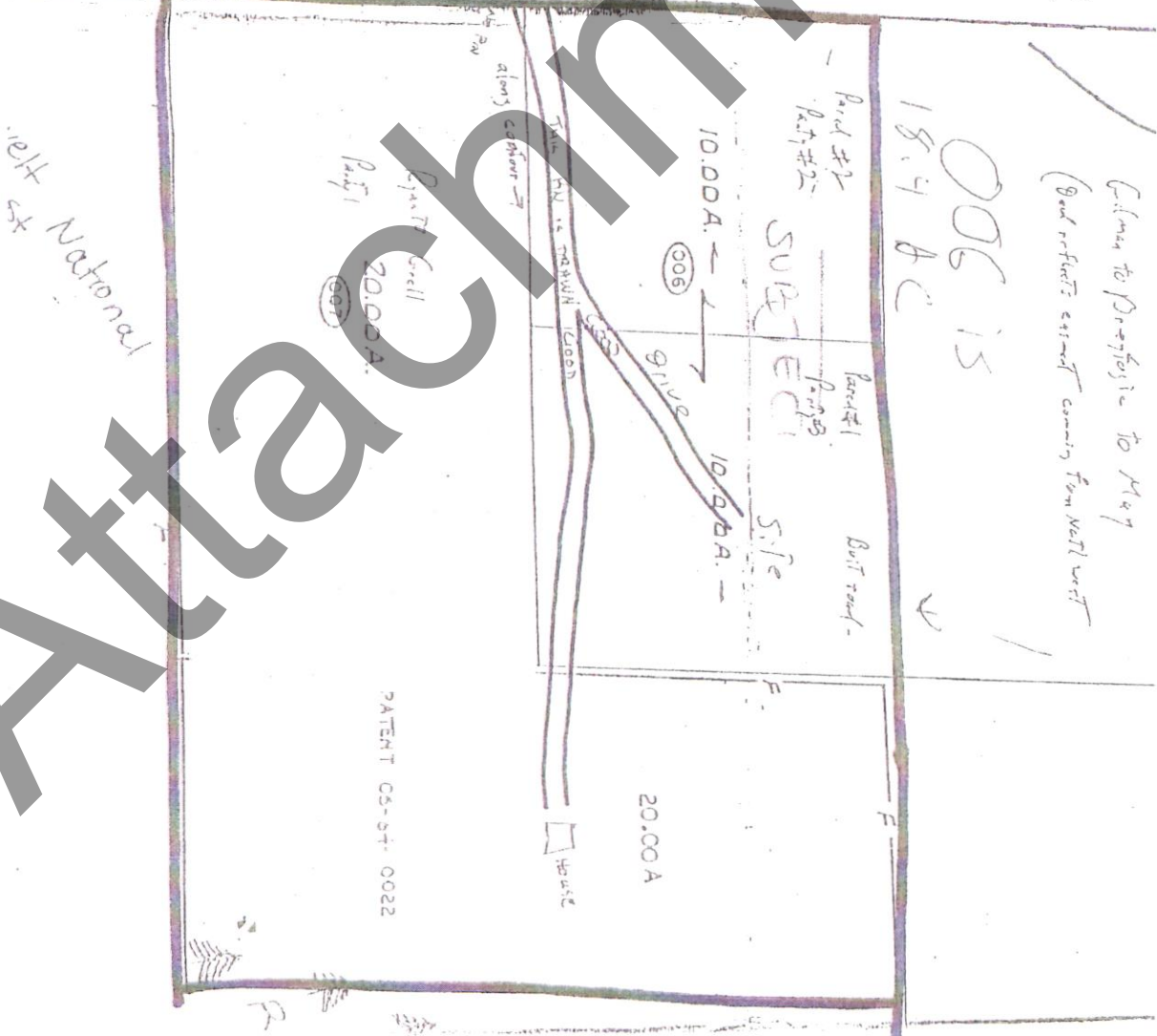
HABITAT LOCATION CHANGE

As a result of the investigation, the Commission has concluded that the information provided by the respondents is sufficient to support the Commission's findings. The Commission has also concluded that the information provided by the respondents is sufficient to support the Commission's findings.

ROCKY MOUNTAIN CLAIM STAKING INC.

(303) 530-2979

(303) 530-2979



Edman to Properties to Hwy
 (Good refuel's against coming from Well west)

006 is
 18.4 AC

10.00A. ←
 006
 10.00A. ←
 20.00A

10.00A.
 007

PATENT 05-97-0022

West National

F S S L

S 00°28'49" E
643.12'

S 00°28'49" E
1286.23'

N 88°13'17" E
619.98'

1239.95'
N 88°13'17" E

N 88°13'17" E
619.98'

FOUND 3"
ALUM.
CAP W1/4
S2
T2S R72W
LS 7361

SET NO. 5 REBAR
WITH ALUM. CAP
PLS 33197

NE1/4 NW1/4 SW1/4
S2 T2S R72W

NW1/4 NW 1/4 SW1/4
S2 T2S R72W

9.1892 ACRES
400282.9728 SQ. FT.

9.2044 ACRES
400945.4851 SQ. FT.

S 00°15'34" W
642.29'
N 00°15'34" E

N 01°00'00" E
641.56'

00'

DIRT ROAD

DIRT DRIVE

SET NO. 5 REBAR
WITH ALUM. CAP
PLS 33197

SET NO. 5 REBAR
WITH ALUM. CAP
PLS 33197

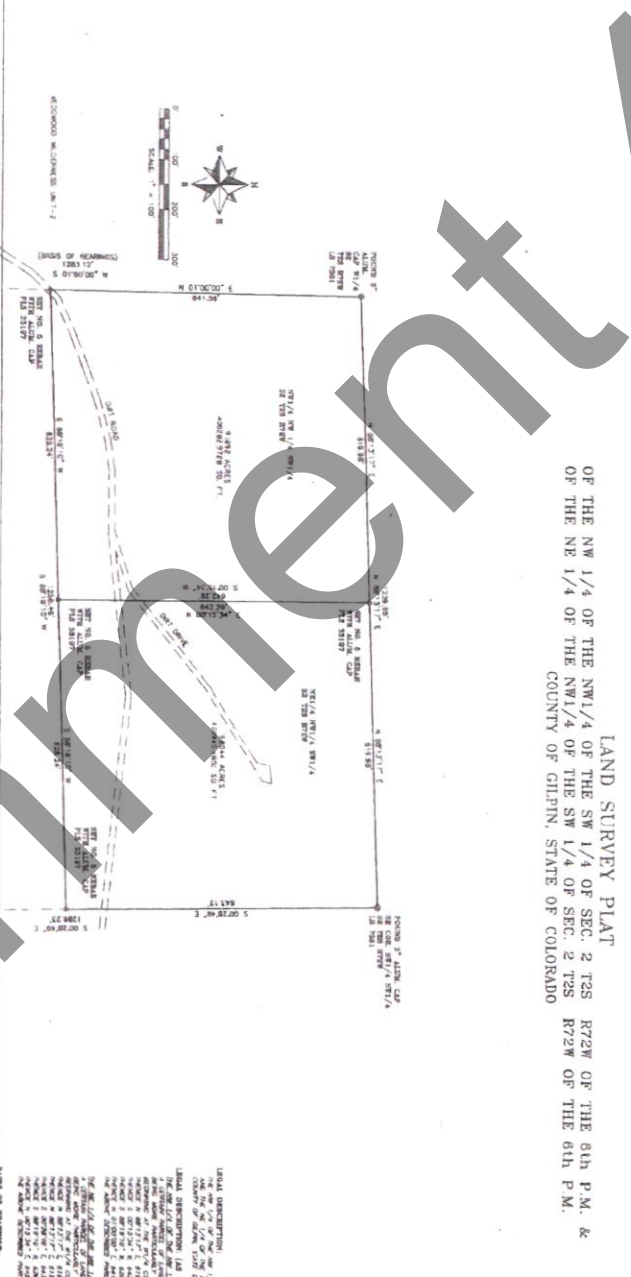
S 88°19'10" W
528.24'

1256.48'
S 88°19'10" W

SET NO. 5 REBAR
WITH ALUM. CAP
PLS 33197

S 88°19'10" W
528.24'

1283.12'
S 01°00'00" W



LEGAL DESCRIPTION: (AS MONTICENTED AND MEASURED)
THE NW 1/4 OF THE NW 1/4 OF THE SW 1/4 OF SEC. 2, T2N,
R10E, S17E, CO. 10, NEB.

ALLERSON, A. THE W/4 COUNCIL OF S.W. 125 AREA OF THE
TOWNSHIP OF N. 101.00 E. 111.00 N. 111.00 E. 111.00 N. 111.00 E.
TOWNSHIP OF N. 101.00 E. 111.00 N. 111.00 E. 111.00 N. 111.00 E.

THE DISTANCE FROM THE POINT OF IMPACT TO THE POINT OF IMPACT OF THE AIRCRAFT WAS 1.18 METERS.

4. CERTAIN AMOUNT OF LAND LOCATED IN THE SW 1/4 SEC. 22 T2N R2E S12W BEING MORE PARTICULARLY DISPOSED AS FOLLOWS:

Parameter	Value	Unit	Source
Temperature	25	°C	Control
Pressure	1.0	atm	Control
Flow rate	1.0	L/min	Control
Concentration	0.1	mol/L	Control
pH	7.0		Control
Time	10	min	Control
Distance	10	cm	Control
Wavelength	400	nm	Control
Intensity	1.0	W/m ²	Control
Frequency	1.0	Hz	Control
Amplitude	1.0	V	Control
Phase	0	rad	Control
Modulation	1.0	%	Control
Offset	1.0	V	Control
Gain	1.0	V/V	Control
Bandwidth	1.0	Hz	Control
Resolution	1.0	bits	Control
Sampling rate	1.0	Hz	Control
Integration time	1.0	s	Control
Trigger delay	1.0	s	Control
Trigger level	1.0	V	Control
Trigger slope	1.0	V/V	Control
Trigger hysteresis	1.0	V	Control
Trigger filter	1.0	Hz	Control
Trigger threshold	1.0	V	Control
Trigger timeout	1.0	s	Control
Trigger reset	1.0	s	Control
Trigger enable	1.0	V	Control
Trigger disable	1.0	V	Control
Trigger status	1.0	V	Control
Trigger error	1.0	V	Control
Trigger warning	1.0	V	Control
Trigger alarm	1.0	V	Control
Trigger fault	1.0	V	Control
Trigger shutdown	1.0	V	Control
Trigger recovery	1.0	V	Control
Trigger reset	1.0	V	Control
Trigger enable	1.0	V	Control
Trigger disable	1.0	V	Control
Trigger status	1.0	V	Control
Trigger error	1.0	V	Control
Trigger warning	1.0	V	Control
Trigger alarm	1.0	V	Control
Trigger fault	1.0	V	Control
Trigger shutdown	1.0	V	Control
Trigger recovery	1.0	V	Control
Trigger reset	1.0	V	Control
Trigger enable	1.0	V	Control
Trigger disable	1.0	V	Control
Trigger status	1.0	V	Control
Trigger error	1.0	V	Control
Trigger warning	1.0	V	Control
Trigger alarm	1.0	V	Control
Trigger fault	1.0	V	Control
Trigger shutdown	1.0	V	Control
Trigger recovery	1.0	V	Control
Trigger reset	1.0	V	Control
Trigger enable	1.0	V	Control
Trigger disable	1.0	V	Control
Trigger status	1.0	V	Control
Trigger error	1.0	V	Control
Trigger warning	1.0	V	Control
Trigger alarm	1.0	V	Control
Trigger fault	1.0	V	Control
Trigger shutdown	1.0	V	Control
Trigger recovery	1.0	V	Control
Trigger reset	1.0	V	Control
Trigger enable	1.0	V	Control
Trigger disable	1.0	V	Control
Trigger status	1.0	V	Control
Trigger error	1.0	V	Control
Trigger warning	1.0	V	Control
Trigger alarm	1.0	V	Control
Trigger fault	1.0	V	Control
Trigger shutdown	1.0	V	Control
Trigger recovery	1.0	V	Control
Trigger reset	1.0	V	Control
Trigger enable	1.0	V	Control
Trigger disable	1.0	V	Control
Trigger status	1.0	V	Control
Trigger error	1.0	V	Control
Trigger warning	1.0	V	Control
Trigger alarm	1.0	V	Control
Trigger fault	1.0	V	Control
Trigger shutdown	1.0	V	Control
Trigger recovery	1.0	V	Control
Trigger reset	1.0	V	Control
Trigger enable	1.0	V	Control
Trigger disable	1.0	V	Control
Trigger status	1.0	V	Control
Trigger error	1.0	V	Control
Trigger warning	1.0	V	Control
Trigger alarm	1.0	V	Control
Trigger fault	1.0	V	Control
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Trigger recovery	1.0	V	Control
Trigger reset	1.0	V	Control
Trigger enable	1.0	V	Control
Trigger disable	1.0	V	Control
Trigger status	1.0	V	Control
Trigger error	1.0	V	Control
Trigger warning	1.0	V	Control
Trigger alarm	1.0	V	Control
Trigger fault	1.0	V	Control
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Trigger reset	1.0	V	Control
Trigger enable	1.0	V	Control
Trigger disable	1.0	V	Control

FROM STONE MOUNTAIN, GEORGIA, TO THE GREAT HALL OF MANKATO, MINNESOTA, AND BEYOND

THE BASIS OF PROGRESS OF THIS SURVEY IS THE LATEST DATA AS SUPPLIED AND DISSEMINATED BY THE BUREAU OF ECONOMIC RESEARCH OF THE FEDERAL RESERVE SYSTEM AND THE U.S. DEPARTMENT OF THE INTERIOR.

NOTES

STUDY 1

2.4.1. METHOD

2.4.1.1. Participants

2447 Norwegian and Norwegian 1 residents at 175 of 180 districts

THE UNIVERSITY OF CHICAGO PRESS

SUMMARY OF 9 CERTIFICATES

the Auto Supply Plus will make it one of our top priorities in cooperation with General Motors, and that it is correct to say it will succeed.

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Ordinance 25-02 Designating Non-Truck Routes

Agenda Item Staff Report, Board of County Commissioners

Requested by: Andrew Decker, Right of Way Specialist, Public Works

Additional Presenters: John Combs

Meeting Date: October 28, 2025

Public Hearing Required? No

Background/Request Description: We believe that Dory Hill Rd, Gap Rd, and South Beaver Creek Rd are being damaged by heavy trucks using them as a shortcut. Passing Ordinance 25-02 Designating Non-Truck Routes will restrict trucks weighing more than 26,000 lbs GVW (Gross Vehicle Weight) from using these roads without a valid permit issued by Public Works unless they are directed to do so by law enforcement in the case of an emergency. Permits will be issued for delivery of equipment and materials when associated with an approved Building Permit, Grading Permit or OWTS Permit. Permits valid for one year will be available for Septic Pump Trucks who wish to serve residents along these routes. Exception will also be granted to any resident who lives along these routes and owns excluded trucks or equipment.

Requested Action: Recommended action: Perform 1st reading of Ordinance at current meeting. The Board may openly discuss Ordinance and propose any changes they wish to see to presented Ordinance. Should the Board wish to proceed and move Ordinance forward, they must vote to approve and move to order publication of this Ordinance in full, in the Newspaper of Record.

Next step: The Ordinance will be published in full in the next edition of the Newspaper of Record. The publication will also include the date of the statutorily required public hearing prior to the second reading and possible adoption (all on the same meeting - proposed date of November 18, 2025). Once Ordinance is adopted any changes that were made following the publication of the 1st reading publication will be memorialized in the published notice advising the public that the Ordinance has been formally adopted.

Alternatives: If the BOCC does not wish to proceed with this ordinance no action is needed.

Fiscal Impacts: Yes. Yes. Minor financial impacts that have not yet been calculated or estimated. Those impacts would include: cost for legal publications associated with adopting this Ordinance (budgeted in the legal department - publications), and cost for getting warning notice and/or citation/tickets prepared and printed for the Sheriff's office to make enforcement consistent and easy (not sure if this has been budgeted for but if it has it would be under the Sheriff's Department), and the cost associated with any street signage the Commissioners would wish to have posted (would be under Public Works Department - signs). There are fees associated with the permitting process that would generate income for the county.

Legal Impacts: Yes. Ordinances have significant legal impact on individuals, businesses, and property with the unincorporated portions of Gilpin County. This Ordinance was prepared and drafted with the assistance and guidance of the Gilpin County Attorney.

Environmental Impacts: Yes. This Ordinance will impact the residents, visitors, and businesses within unincorporated Gilpin County.

Human Resources Impacts: None.

Grant-Related? No.

Ordinance No. 25-02

**BEFORE THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GILPIN
AN ORDINANCE DESIGNATING NON-TRUCK ROUTES**

WHEREAS, pursuant to C.R.S. §42-4-111(1)(g) the Board of County Commissioners of the County of Gilpin has the authority to designate truck routes within the county; and

WHEREAS, the Gilpin County Board of County Commissioners (hereinafter “Board”) has determined that the designation of a truck route is necessary and in the best interests of the health, safety, and welfare of the residents and visitors of Gilpin County; and

WHEREAS, C.R.S. § 30-15-401(1)(h) authorizes a Board of County Commissioners to adopt Ordinances which control and regulate the movement and parking of motor vehicles on public property; and

WHEREAS, C.R.S. § 42-4-106(1) provides that local authorities with respect to highways under their jurisdiction may by ordinance or resolution prohibit the operation of vehicles upon any such highway or impose restrictions as to the weight of vehicles to be operated upon any such highway, for a total period of not to exceed ninety days in any one calendar year, whenever any said highway by reason of deterioration, rain, snow, or other climatic conditions will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weights thereof reduced; and

WHEREAS, C.R.S. § 42-4-106(3) provides that local authorities, with respect to highways under their jurisdiction, may also, by ordinance or resolution, prohibit the operation of trucks or commercial vehicles on designated highways or may impose limitations as to the weight thereof, which prohibitions and limitations shall be designated by appropriate signs placed on such highways; and

WHEREAS, the Board of County Commissioners finds that certain County roads may be substantially damaged by vehicles that exceed the gross vehicle weight limit set out herein; and

WHEREAS, C.R.S. § 42-4-106(8)(a) provides that any person who violates any provision of this section commits a class B traffic infraction; and

WHEREAS, Gilpin County recognizes the importance of notifying adjacent jurisdictions of the implementation of such traffic regulations to ensure effective coordination and minimize disruptions to regional transportation systems; and

WHEREAS, the Board of County Commissioners of Gilpin County finds and determines that the adopting of this Ordinance is necessary to protect the public health, safety, and welfare.

NOW THEREFORE BE IT ORDAINED, by the Board of County Commissioners of the County of Gilpin, State of Colorado, that the following Ordinance shall be enacted:

1. **PURPOSE AND INTENT.** The purpose of this Ordinance is to establish designated non-truck routes within Gilpin County in order to:
 - 1.1. Facilitate the efficient and safe movement of traffic through the county;
 - 1.2. Minimize the impact of large vehicle traffic (vehicles that are classified as Class 7 or above) on residential areas, sensitive environmental areas, and other inappropriate locations;
 - 1.3. Protect the county's infrastructure, including roads and bridges, from excessive wear and damage caused by heavy truck traffic; and
 - 1.4. Promote the overall safety and well-being of the residents of Gilpin County.
2. **DEFINITIONS.** For the purpose of this Ordinance, the following definitions shall apply:
 - 2.1. "Commercial vehicle" means a vehicle used to transport cargo or passengers for profit, hire, or otherwise to further the purpose of a business or commercial enterprise.
 - 2.2. "Declared gross vehicle weight" means the combined weight of the vehicle or combination vehicle and its cargo when operated on the public highways of this state. Such weight shall be declared by the vehicle owner at the time the vehicle is registered. Accurate records shall be kept of all miles operated by each vehicle over the public highways of this state by the owner of each vehicle.
 - 2.3. "Empty weight" means the weight of any motor vehicle or trailer or any combination thereof, including the operating body and accessories, as determined by weighing on a scale.
 - 2.4. "Large Vehicle" means a commercial vehicle with a vehicle class of 7 or above.
 - 2.5. "Non-Truck Route" means the designated routes established in Section 3 of this Ordinance, which trucks and/or Large Vehicles are prohibited from traveling on without the proper permit.
 - 2.6. "Official traffic control devices" means all signs, signals, markings, and devices placed or displayed by the authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.
 - 2.7. "Police officer" means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.
 - 2.8. "Semitrailer" means any wheeled vehicle, without motor power, designed to be used in conjunction with a laden or unladen truck tractor so that some part of its own weight and that of its cargo load rests upon or is carried by such laden or unladen truck tractor and that is generally and commonly used to carry and transport property over the public highways.

- 2.9.** “Sensitive Environmental Area” means any area identified in Gilpin County’s Comprehensive Master Plan or by the Colorado Department of Natural Resources as having significant ecological, wildlife, or natural resource value.
- 2.10.** “Trailer” means any wheeled vehicle, without motive power, which is designed to be drawn by a motor vehicle and to carry its cargo load wholly upon its own structure and that is generally and commonly used to carry and transport property over the public highways.
- 2.11.** “Truck” means any motor vehicle equipped with a body designed to carry property which is generally and commonly used to carry and transport property over public highways.
- 2.12.** “Vehicle class” as categorized based on their gross vehicle weight is as follows:

Class 1:	less than 6,000 lbs.
Class 2:	6,001 – 10,000 lbs.
Class 3:	10,0001 – 14,000 lbs.
Class 4:	14,001 – 16,000 lbs.
Class 5:	16,001 – 19,500 lbs.
Class 6:	19,501 – 26,000 lbs.
Class 7:	26,001 – 33,000 lbs.
Class 8:	greater than 33,001 lbs.

- 3. DESIGNATION OF NON-TRUCK ROUTE.** Pursuant to the authority granted under C.R.S. § 42-4-111(1)(g), the Gilpin County Board hereby designates the following as the Gilpin County Non-Truck Routes or routes that prohibit Large Vehicles to travel on or across without an Exception Permit pursuant to Section 5 of this Ordinance:

- 3.1.** Beginning at the intersection of CO 119 and Gap Road proceeding the entirety of Gap Road until it exits Gilpin County and enters Jefferson County;
- 3.2.** Beginning at the intersection of CO 119 and South Beaver Creek Road proceeding the entirety of South Beaver Creek Road until it intersects with CO 72; and
- 3.3.** Beginning at 2960 Dory Hill Road proceeding the entirety of Dory Hill Road until it exits Gilpin County and enters the City of Black Hawk and its name changes to Richman Street.

- 4. REQUIREMENTS AND RESTRICTIONS.** All large vehicle traffic classified as a Class 7 or above traveling through Gilpin County are prohibited from using the designated Non-Truck Routes, as set forth in Section 3 of this Ordinance, unless an Exception Permit is granted pursuant to Section 5, or in the following circumstances:

- 4.1.** To avoid an emergency or hazardous condition that makes the Non-Truck Routes the only passable routes.

4.2. When directed by law enforcement or emergency personnel.

- 5. EXCEPTIONS.** The Gilpin County Public Works Department may grant an exception to the Non-Truck Routes designation via an Exception Permit. A large vehicle operator or owner must make a showing of good cause to be granted an Exception Permit. Exception Permits may be granted for reasons such as, but not limited to:

- 5.1.** To pick up or deliver goods or materials at a specific location off the Non-Truck Routes;
- 5.2.** The Non-Truck Routes are the only passable route due to construction, maintenance, or other temporary conditions;
- 5.3.** The large vehicle is performing essential services that require travel over the Non-Truck Routes; and
- 5.4.** Residents of properties that take access from a Non-Truck Route, who own the heavy equipment or Class 7 vehicle (or above) that is the subject of the Exception Permit.

Exception Permit Applications can be submitted online to the Gilpin County Public Works Department via OpenGov.com [<https://gilpincountyco.viewpointcloud.com/categories/1084>]. All permit applications shall include the specific reason for the request, the proposed route, the proposed time of travel on Non-Truck Routes, and any supporting documentation. The Gilpin County Public Works Department shall respond to Exception Permit Applications within six (6) business days and may impose any necessary conditions or restrictions on the approved exception. Permit Applications will not be processed until deemed sufficient and all relevant documentation has been submitted by the applicant. Gilpin County Public Works Department will consider an Application accepted and ready for processing as of the start of the next business day after the applicant's submission. Blanket exceptions may be granted for recurring or long-term needs, subject to periodic review and renewal. If Exception Permit is granted to applicant, applicant must keep copy of issued permit in their vehicle while traveling on the Non-Truck Route.

- 6. ENFORCEMENT AND PENALTIES.** The Gilpin County Sheriff's Office shall be responsible for enforcing the provisions of this Ordinance. Any large vehicle found to be in violation of this Ordinance shall be subject to the following fines:

\$500.00	First offense
\$1,000.00	Second offense
\$2,500.00	For each subsequent offense within a twelve (12) month period.

Repeated violations by the same truck operator or owner may result in the revocation of any exception granted pursuant to Section 5. All fines collected pursuant to this Ordinance shall be deposited in the Gilpin County Public Works Department Fund to support the maintenance and improvement of the designated Non-Truck Routes.

7. **SIGNAGE AND NOTIFICATION.** The Gilpin County Public Works Department shall be responsible for installing and maintaining appropriate signage along the designated Non-Truck Routes and at key entry points to the County. The County shall develop and implement a communication plan to inform truck and large vehicle operators, local businesses, and residents about the designated Non-Truck Routes and the requirements of this Ordinance.
8. **PERIODIC REVIEW AND ADAPTATION.** The Gilpin County Board of County Commissioners intends to conduct a comprehensive review of this Ordinance and the designated Non-Truck Routes no later than every five (5) years from the effective date. The review will include the following:
- 8.1. An analysis of traffic patterns and volumes along the Non-Truck Route;
 - 8.2. An assessment of the economic impact of the Truck Route on local businesses and industries;
 - 8.3. An evaluation of the environmental impacts;
 - 8.4. A review of enforcement data and compliance rates; and
 - 8.5. Consideration of any changes in land use, development patterns, or transportation infrastructure that may affect the Non-Truck Routes.

Based on the findings of the review, the Board of Commissioners may propose amendments to this Ordinance or modifications to the designated Non-Truck Routes. Any proposed amendments or modifications shall go through the statutory Ordinance process.

9. **SEVERABILITY.** If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of County Commissioners hereby declares that it would have passed this Ordinance, and each section, subsection, clause, and phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases had been declared invalid.
10. **EFFECTIVE DATE.** This Ordinance shall become effective sixty (60) days after its adoption by the Gilpin County Board of County Commissioner to allow for proper notification and implementation of signage and communication plans.

Introduced and first read this _____ day of _____, 2025, and ordered published in full in a newspaper of general circulation published in Gilpin County at least ten (10) days prior to final adoption upon second reading by a vote of _____ to _____.

Approved and adopted upon second reading by a vote of _____ to _____ this _____ day of _____, 2025.

ADOPTED this _____ day of _____, 2025 by a vote of ____to ____.

BOARD OF COUNTY COMMISSIONERS
OF GILPIN COUNTY

Sandy Hollingsworth, Chair

CERTIFICATION AND ATTESTATION OF THE COUNTY CLERK

Sharon McCormick AKA Sahari McCormick, Gilpin County Clerk and Recorder, hereby certifies and attests that the foregoing Ordinance was introduced and published in full ordered by the Board of County Commissioners of the County of Gilpin on first reading on the _____ day of _____, 2025 at a regularly scheduled meeting of the Board of the County Commissioners, and approved on second reading on the _____ day of _____, 2025, at a regularly scheduled meeting of the Board of County Commissioners, Gilpin County, Colorado and that said Ordinance was published in full in the Newspaper of Record at least ten (10) days prior to final adoption.

Sharon McCormick, AKA Sahari McCormick
Clerk and Recorder
Gilpin County

Ordinance No. 25-02

**BEFORE THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GILPIN
AN ORDINANCE DESIGNATING NON-TRUCK ROUTES**

WHEREAS, pursuant to C.R.S. §42-4-111(1)(g) the Board of County Commissioners of the County of Gilpin has the authority to designate truck routes within the county; and

WHEREAS, the Gilpin County Board of County Commissioners (hereinafter “Board”) has determined that the designation of a truck route is necessary and in the best interests of the health, safety, and welfare of the residents and visitors of Gilpin County; and

WHEREAS, C.R.S. § 30-15-401(1)(h) authorizes a Board of County Commissioners to adopt Ordinances which control and regulate the movement and parking of motor vehicles on public property; and

WHEREAS, C.R.S. § 42-4-106(1) provides that local authorities with respect to highways under their jurisdiction may by ordinance or resolution prohibit the operation of vehicles upon any such highway or impose restrictions as to the weight of vehicles to be operated upon any such highway, for a total period of not to exceed ninety days in any one calendar year, whenever any said highway by reason of deterioration, rain, snow, or other climatic conditions will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weights thereof reduced; and

WHEREAS, C.R.S. § 42-4-106(3) provides that local authorities, with respect to highways under their jurisdiction, may also, by ordinance or resolution, prohibit the operation of trucks or commercial vehicles on designated highways or may impose limitations as to the weight thereof, which prohibitions and limitations shall be designated by appropriate signs placed on such highways; and

WHEREAS, the Board of County Commissioners finds that certain County roads may be substantially damaged by vehicles that exceed the gross vehicle weight limit set out herein; and

WHEREAS, C.R.S. § 42-4-106(8)(a) provides that any person who violates any provision of this section commits a class B traffic infraction; and

WHEREAS, Gilpin County recognizes the importance of notifying adjacent jurisdictions of the implementation of such traffic regulations to ensure effective coordination and minimize disruptions to regional transportation systems; and

WHEREAS, the Board of County Commissioners of Gilpin County finds and determines that the adopting of this Ordinance is necessary to protect the public health, safety, and welfare.

NOW THEREFORE BE IT ORDAINED, by the Board of County Commissioners of the County of Gilpin, State of Colorado, that the following Ordinance shall be enacted:

1. **PURPOSE AND INTENT.** The purpose of this Ordinance is to establish designated non-truck routes within Gilpin County in order to:
 - 1.1. Facilitate the efficient and safe movement of traffic through the county;
 - 1.2. Minimize the impact of large vehicle traffic (vehicles that are classified as Class 7 or above) on residential areas, sensitive environmental areas, and other inappropriate locations;
 - 1.3. Protect the county's infrastructure, including roads and bridges, from excessive wear and damage caused by heavy truck traffic; and
 - 1.4. Promote the overall safety and well-being of the residents of Gilpin County.
2. **DEFINITIONS.** For the purpose of this Ordinance, the following definitions shall apply:
 - 2.1. "Commercial vehicle" means a vehicle used to transport cargo or passengers for profit, hire, or otherwise to further the purpose of a business or commercial enterprise.
 - 2.2. "Declared gross vehicle weight" means the combined weight of the vehicle or combination vehicle and its cargo when operated on the public highways of this state. Such weight shall be declared by the vehicle owner at the time the vehicle is registered. Accurate records shall be kept of all miles operated by each vehicle over the public highways of this state by the owner of each vehicle.
 - 2.3. "Empty weight" means the weight of any motor vehicle or trailer or any combination thereof, including the operating body and accessories, as determined by weighing on a scale.
 - 2.4. "Large Vehicle" means a commercial vehicle with a vehicle class of 7 or above.
 - 2.5. "Non-Truck Route" means the designated routes established in Section 3 of this Ordinance, which trucks and/or Large Vehicles are prohibited from traveling on without the proper permit.
 - 2.6. "Official traffic control devices" means all signs, signals, markings, and devices placed or displayed by the authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.
 - 2.7. "Police officer" means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.
 - 2.8. "Semitrailer" means any wheeled vehicle, without motor power, designed to be used in conjunction with a laden or unladen truck tractor so that some part of its own weight and that of its cargo load rests upon or is carried by such laden or unladen truck tractor and that is generally and commonly used to carry and transport property over the public highways.

- 2.9.** “Sensitive Environmental Area” means any area identified in Gilpin County’s Comprehensive Master Plan or by the Colorado Department of Natural Resources as having significant ecological, wildlife, or natural resource value.
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- 2.12.** “Vehicle class” as categorized based on their gross vehicle weight is as follows:

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Class 2:	6,001 – 10,000 lbs.
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- 3. DESIGNATION OF NON-TRUCK ROUTE.** Pursuant to the authority granted under C.R.S. § 42-4-111(1)(g), the Gilpin County Board hereby designates the following as the Gilpin County Non-Truck Routes or routes that prohibit Large Vehicles to travel on or across without an Exception Permit pursuant to Section 5 of this Ordinance:

- 3.1.** Beginning at the intersection of CO 119 and Gap Road proceeding the entirety of Gap Road until it exits Gilpin County and enters Jefferson County;
- 3.2.** Beginning at the intersection of CO 119 and South Beaver Creek Road proceeding the entirety of South Beaver Creek Road until it intersects with CO 72; and
- 3.3.** Beginning at 2960 Dory Hill Road proceeding the entirety of Dory Hill Road until it exits Gilpin County and enters the City of Black Hawk and its name changes to Richman Street.

- 4. REQUIREMENTS AND RESTRICTIONS.** All large vehicle traffic classified as a Class 7 or above traveling through Gilpin County are prohibited from using the designated Non-Truck Routes, as set forth in Section 3 of this Ordinance, unless an Exception Permit is granted pursuant to Section 5, or in the following circumstances:

- 4.1.** To avoid an emergency or hazardous condition that makes the Non-Truck Routes the only passable routes.

4.2. When directed by law enforcement or emergency personnel.

- 5. EXCEPTIONS.** The Gilpin County Public Works Department may grant an exception to the Non-Truck Routes designation via an Exception Permit. A large vehicle operator or owner must make a showing of good cause to be granted an Exception Permit. Exception Permits may be granted for reasons such as, but not limited to:

- 5.1.** To pick up or deliver goods or materials at a specific location off the Non-Truck Routes;
- 5.2.** The Non-Truck Routes are the only passable route due to construction, maintenance, or other temporary conditions;
- 5.3.** The large vehicle is performing essential services that require travel over the Non-Truck Routes; and
- 5.4.** Residents of properties that take access from a Non-Truck Route, who own the heavy equipment or Class 7 vehicle (or above) that is the subject of the Exception Permit.

Exception Permit Applications can be submitted online to the Gilpin County Public Works Department via our website. All permit applications shall include the specific reason for the request, the proposed route, the proposed time of travel on Non-Truck Routes, and any supporting documentation. The Gilpin County Public Works Department shall respond to Exception Permit Applications within six (6) business days and may impose any necessary conditions or restrictions on the approved exception. Permit Applications will not be processed until deemed sufficient and all relevant documentation has been submitted by the applicant. Gilpin County Public Works Department will consider an Application accepted and ready for processing as of the start of the next business day after the applicant's submission. Blanket exceptions may be granted for recurring or long-term needs, subject to periodic review and renewal. If Exception Permit is granted to applicant, applicant must keep copy of issued permit in their vehicle while traveling on the Non-Truck Route.

- 6. ENFORCEMENT AND PENALTIES.** The Gilpin County Sheriff's Office shall be responsible for enforcing the provisions of this Ordinance. Any large vehicle found to be in violation of this Ordinance shall be subject to the following fines:

\$500.00	First offense
\$1,000.00	Second offense
\$2,500.00	For each subsequent offense within a twelve (12) month period.

Repeated violations by the same truck operator or owner may result in the revocation of any exception granted pursuant to Section 5. All fines collected pursuant to this Ordinance shall be deposited in the Gilpin County Public Works Department Fund to support the maintenance and improvement of the designated Non-Truck Routes.

7. **SIGNAGE AND NOTIFICATION.** The Gilpin County Public Works Department shall be responsible for installing and maintaining appropriate signage along the designated Non-Truck Routes and at key entry points to the County. The County shall develop and implement a communication plan to inform truck and large vehicle operators, local businesses, and residents about the designated Non-Truck Routes and the requirements of this Ordinance.
8. **PERIODIC REVIEW AND ADAPTATION.** The Gilpin County Board of County Commissioners intends to conduct a comprehensive review of this Ordinance and the designated Non-Truck Routes no later than every five (5) years from the effective date. The review will include the following:
- 8.1. An analysis of traffic patterns and volumes along the Non-Truck Route;
 - 8.2. An assessment of the economic impact of the Truck Route on local businesses and industries;
 - 8.3. An evaluation of the environmental impacts;
 - 8.4. A review of enforcement data and compliance rates; and
 - 8.5. Consideration of any changes in land use, development patterns, or transportation infrastructure that may affect the Non-Truck Routes.

Based on the findings of the review, the Board of Commissioners may propose amendments to this Ordinance or modifications to the designated Non-Truck Routes. Any proposed amendments or modifications shall go through the statutory Ordinance process.

9. **SEVERABILITY.** If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of County Commissioners hereby declares that it would have passed this Ordinance, and each section, subsection, clause, and phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases had been declared invalid.
10. **EFFECTIVE DATE.** This Ordinance shall become effective sixty (60) days after its adoption by the Gilpin County Board of County Commissioner to allow for proper notification and implementation of signage and communication plans.

Introduced and first read this _____ day of _____, 2025, and ordered published in full in a newspaper of general circulation published in Gilpin County at least ten (10) days prior to final adoption upon second reading by a vote of _____ to _____.

Approved and adopted upon second reading by a vote of _____ to _____ this _____ day of _____, 2025.

ADOPTED this _____ day of _____, 2025 by a vote of ____ to ____.

BOARD OF COUNTY COMMISSIONERS
OF GILPIN COUNTY

Sandy Hollingsworth, Chair

CERTIFICATION AND ATTESTATION OF THE COUNTY CLERK

Sharon McCormick AKA Sahari McCormick, Gilpin County Clerk and Recorder, hereby certifies and attests that the foregoing Ordinance was introduced and published in full ordered by the Board of County Commissioners of the County of Gilpin on first reading on the _____ day of _____, 2025 at a regularly scheduled meeting of the Board of the County Commissioners, and approved on second reading on the _____ day of _____, 2025, at a regularly scheduled meeting of the Board of County Commissioners, Gilpin County, Colorado and that said Ordinance was published in full in the Newspaper of Record at least ten (10) days prior to final adoption.

Sharon McCormick, AKA Sahari McCormick
Clerk and Recorder
Gilpin County



Adoption of Revised Policy P-19 – Hiring Incentive Program for Safety Sensitive Positions

Agenda Item Staff Report, Board of County Commissioners

Requested by: Chanda Johnson, HR Director, Human Resources

Additional Presenters:

Meeting Date: October 28, 2025

Public Hearing Required? No

Background/Request Description: Staff recommends the adoption of the revised Policy P-19, Hiring Incentive Program for Safety Sensitive Positions, which replaces the previously suspended Hiring and Retention Incentive Program. The revised policy reflects budgetary constraints and introduces new eligibility criteria to address critical staffing shortages for safety sensitive positions.

The original Hiring and Retention Incentive Program was suspended due to budgetary limitations. In response to ongoing recruitment challenges, particularly in safety sensitive roles, the policy has been revised to refocus incentives on positions that are essential during emergency situations and difficult to fill.

Additionally, the revised policy includes a provision to extend eligibility to Public Works Road and Bridge Team - Equipment Operators when staffing levels fall below 60%, recognizing their critical role in maintaining public safety during adverse conditions.

The incentive program is contingent upon annual budget approval. All associated costs must be allocated in advance to ensure fiscal responsibility and is outlined in the policy.

Requested Action: Staff recommends the Board of County Commissioners adopt the revised Policy P-19 to support recruitment efforts for safety sensitive positions and ensure continuity of essential services.

Alternatives: The Board could:

1. Defer decision until a later scheduled meeting.
2. Implement a different policy that addresses staffing needs through alternative frameworks.

Fiscal Impacts: Yes. The projected cost for 2026, including carryover from previously committed incentive payouts, is estimated at \$50,500.

Legal Impacts: None.

Environmental Impacts: None.

Human Resources Impacts: None.

Grant-Related? No.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
COUNTY OF GILPIN, STATE OF COLORADO**

A Resolution of the Board of County Commissioners of Gilpin County, Colorado,

Adopting Revised Policy P-19: Hiring Incentive Program for Safety Sensitive Positions

WHEREAS, the Board of County Commissioners recognizes the importance of maintaining adequate staffing levels in safety sensitive positions that are critical during emergency situations; and

WHEREAS, the Board of County Commissioners recognizes the importance of maintaining adequate staffing levels in safety sensitive positions that are critical during emergency situations; and

WHEREAS, the revised Policy P-19 reflects a targeted approach to incentivize recruitment for hard-to-fill safety sensitive roles, when staffing thresholds are met;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF GILPIN COUNTY, COLORADO THAT:

1. Policy P-19, Hiring Incentive Program for Safety Sensitive Positions, is hereby adopted as revised, effective October 28th, 2025.
2. The County Manager is authorized to implement and oversee the program in accordance with the procedures outlined in the policy.
3. The Board acknowledges that the projected cost for 2026, including carryover from previously committed incentive payouts, is estimated at \$50,500 and remains contingent upon annual budget approval.
4. The Board reserves the right to amend or discontinue the policy based on financial or legal considerations.

GILPIN COUNTY BOARD OF COUNTY COMMISSIONERS

ADOPTED this _____ day of _____, 2025, by a vote of _____ to _____.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
COUNTY OF GILPIN, COLORADO**

Kimberly Kaufman, Deputy County Clerk

Sandy Hollingsworth, Chair

RECORDING STICKER

RECORDING STICKER

ACKNOWLEDGEMENT

STATE OF COLORADO)

)ss.

COUNTY OF GILPIN)

Sandy Hollingsworth, Chair, and Kimberly Kaufman, Deputy County Clerk, County of Gilpin, acknowledged the foregoing Resolution before me this _____ day of _____, 2025.

Witness my hand and official seal

Notary Public

RECORDING STICKER

RECORDING STICKER



Hiring Incentive Program For Safety Sensitive Positions

Document Number:	P - 19
Document Name:	Hiring Incentive Program For Safety Sensitive Positions
Effective Date:	TBD
Document Status:	Adopted
Authority:	Board of County Commissioners
Purpose:	To establish a policy for hiring incentives for those who are required to work during emergency situations to protect the health and safety of the public.

1.0 Applicable Departments

- 1.1 The hiring incentive program applies to all departments, dependent on difficulty in recruitment and safety sensitive nature of the position.

2.0 Purpose

- 2.1 To provide a monetary incentive to candidates for applying for and filling critical hard to fill positions that are categorized as safety sensitive.
- 2.2 To provide an incentive to support a critical need in recruitment activities which are known to increase loyalty, improve morale, and promote continuity for the organization.

3.0 Procedure

- 3.1 To be eligible for the hiring incentive the position must be:
 - 3.1.1 Open and advertised for over 365-days from the date of first posting; and
 - 3.1.2 Safety Sensitive means critical to the safety and security of others' wellbeing, while expected to be available and respond in a timely manner for emergencies, even during adverse work conditions when most other positions are not required to work, with moderate or greater frequency; and
 - 3.1.3 Be approved by the subject department head/official and County Manager as being a critical need to the County operations; and
 - 3.1.4 The direct supervisor of the subject position must attend an in person Human Resources supported management training course which is at least 8 hours or longer, prior to the position becoming eligible and annually thereafter if the positions remains vacant; and
 - 3.1.5 If the position has been filled for a short period of time (four months or less) which is later vacated, the position may remain eligible; and
 - 3.1.6 The total incentive amount must be budgeted annually to cover all associated costs of the program; and
 - 3.1.7 The position must be budgeted 30 hour or more per week.

Last Modified By:	Ray Rears
Document Owner:	Human Resources Department

Last Modified On:	10/28/2025
Original Date:	2/18/2024

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Hiring Incentive Program For Safety Sensitive Positions

3.1.8 Staffing level for similar positions must be at or below 60%

- 3.2 Existing employees full-time, part-time, seasonal or temporary who transfer into a qualified position will be eligible for the incentive.
- 3.3 Only candidates who meet the essential qualifications for the position will be considered for the position.
- 3.4 All candidates will be evaluated for the position, consistent with Gilpin County policies and procedures.
- 3.5 All information regarding the hiring decision will remain strictly confidential.
- 3.6 The candidate/new hire, transfer or promotion must still be employed by Gilpin County to receive payment.
- 3.7 Any disputes or interpretations of the program will be resolved by the County Manager.
- 3.8 If a position remains vacant for 24 or greater months, an outside investigation will be conducted to determine the cause for the systemic vacancy.
- 3.9 The vacancy start date for this policy will be October 1, 2024.
- 3.10 If it is found that applications are not routinely and systematically reviewed at least every two-weeks, and interviews are not conducted for those meetings the minimum qualifications, specific departments and/or positions maybe excluded from this program.
- 3.11 The policy will undergo a systematic evaluation every five (5) years to assess its ongoing viability starting in 2030.
- 3.12 The Board of County Commissioners reserves the right to discontinue the policy at any time if financial limitations arise or if new legal or regulatory measures are incompatible with the policy.

4.0 Compensation:

- 4.1 Incentive paid will be based on the months serving in that role which could include crossing over calendar years.
- 4.2 Qualified Positions Vacant Twelve – or greater months.
 - 4.2.1 Hiring Incentive will be paid to the new employee as follows:
 - 4.2.1.1 60-days from the start of employment - \$1,000.
 - 4.2.1.2 8-months from the start of employment - \$1,000.



Authorizing Over-Hire for Sheriff's Office – Administrative Manager

Agenda Item Staff Report, Board of County Commissioners

Requested by: Chanda Johnson, HR Director, Human Resources

Additional Presenters: Sheriff Armstrong

Meeting Date: October 28, 2025

Public Hearing Required? No

Background/Request Description: The Sheriff's Office is requesting authorization to temporarily over-hire the Administrative Manager position in anticipation of the retirement of a tenured employee nearing 30 years of service. The position is scheduled to be vacated on February 6, 2026. This over-hire will allow for a structured transition period, ensuring adequate time for onboarding, training, and transfer of institutional knowledge, legal procedures, and operational practices essential to the role.

Requested Action: Staff recommends approval of the over-hire request to maintain continuity of operations and preserve critical institutional knowledge within the Sheriff's Office.

The over-hire will result in a temporary increase in personnel costs. Finance has confirmed that sufficient salary savings are available to cover the cost of the over-hire within the department's budget.

Alternatives: The Board may:

1. Approve the over-hire for a period not to exceed four (4) months.
2. Propose an alternative staffing or training solution.
3. Deny the resolution and revisit the request at a future date.

Fiscal Impacts: Yes. Over hire salary impact in 2025 and 2026.

Legal Impacts: Yes. The individual proposed for over-hire is the spouse of the current Undersheriff.

Under Colorado law, marital status is a protected class, and employment decisions must not discriminate on that basis.

The County will ensure all hiring practices remain compliant with applicable laws and policies, including conflict of interest and supervisory protocols.

Environmental Impacts: None.

Human Resources Impacts: None.

Grant-Related? No.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
COUNTY OF GILPIN, STATE OF COLORADO**

A Resolution of the Board of County Commissioners of Gilpin County, Colorado,

AUTHORIZING THE OVER-HIRE OF THE

ADMINISTRATIVE MANAGER POSITION IN THE SHERIFF'S OFFICE

WHEREAS, the Sheriff's Office has identified a critical need to temporarily over-hire the Administrative Manager position to facilitate the transition and training period prior to the retirement of a tenured employee nearing 30 years of service; and

WHEREAS, the position is scheduled to be vacated on February 6, 2026, and the over-hire will allow for the transfer of essential knowledge, practices, and legal procedures necessary for the continued effective operation of the department; and

WHEREAS, the over-hire is intended to be temporary and shall not exceed a period of four (4) months; and

WHEREAS, Finance has confirmed that sufficient salary savings currently exist to cover the cost of the temporary over-hire;

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of Gilpin County, Colorado, that:

1. The Board authorizes the temporary over-hire of the Administrative Manager position in the Sheriff's Office for a period not to exceed four (4) months.
2. The over-hire shall be managed in coordination with Sheriff's Office, Human Resources and the County Manager to ensure compliance with budgetary and operational guidelines.

GILPIN COUNTY BOARD OF COUNTY COMMISSIONERS

ADOPTED this _____ day of _____, 2025, by a vote of _____ to _____.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
COUNTY OF GILPIN, COLORADO**

Kimberly Kaufman, Deputy County Clerk

Sandy Hollingsworth, Chair

RECORDING STICKER

RECORDING STICKER

ACKNOWLEDGEMENT

STATE OF COLORADO)

)ss.

COUNTY OF GILPIN)

Sandy Hollingsworth, Chair, and Kimberly Kaufman, Deputy County Clerk, County of Gilpin, acknowledged the foregoing Resolution before me this _____ day of _____, 2025.

Witness my hand and official seal

Notary Public

RECORDING STICKER

RECORDING STICKER



Resolution 25-123 Requiring Justification and Approval Prior to Filling Any Vacant or Soon to be Vacant Position

Agenda Item Staff Report, Board of County Commissioners

Requested by: Melanie Bleyler, Community Engagement Officer, County Manager's Office

Additional Presenters: Ray Rears, County Manager

Meeting Date: October 28, 2025

Public Hearing Required? No

Background/Request Description: Staff is presenting a proposed resolution for Board consideration that would require justification and approval before any vacant or soon-to-be vacant position is filled. This resolution formalizes a review process for position vacancies and incorporates it into the County's Master Policy Manual as Policy P-23.

Requested Action: Staff recommends the Board approve the resolution.

Alternatives: Amend, postpone, or deny the resolution and its accompanying policy.

Fiscal Impacts: None.

Legal Impacts: None.

Environmental Impacts: None.

Human Resources Impacts: None.

Grant-Related? No.

**Before The Board of County Commissioners
County of Gilpin, State of Colorado**

**Requiring Justification and Approval Prior to Filling Any Vacant or Soon to be
Vacant Position**

WHEREAS, the Board of County Commissioners of Gilpin County, Colorado ("Board") recognizes the importance of fiscal responsibility and efficient use of taxpayer resources in all areas of county operations; and

WHEREAS, effective workforce planning is essential to the continued delivery of high-quality public services while maintaining budgetary control; and

WHEREAS, the Board finds it necessary to establish a clear and consistent process for reviewing the necessity and structure of employee positions before they are filled; and

WHEREAS, operational needs evolve overtime, due to changes in law, process, structure, and/or technology, which necessitate systematic review of open positions to confirm the value to the county provided by a vacant position; and

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of Gilpin County, Colorado as follows:

1. Amend the Master Policy Manual to include this new policy P-23 described on Exhibit A.
2. This applies to all vacant positions, including but not limited to those currently budgeted, newly reinstated, and grant-funded positions.

ADOPTED this _____ day of _____, 2025, by a vote of _____ to _____.

RECORDING STICKER

RECORDING STICKER

**BOARD OF COUNTY COMMISSIONERS
COUNTY OF GILPIN, COLORADO**

Sandy Hollingsworth, Chair

STATE OF COLORADO)
)ss.
COUNTY OF GILPIN)

Witness my hand and official seal

Notary Public

RECORDING STICKER



P-23, Vacant Position Policy

Effective Date: 10/28/2025
Document Status: Pending Approval

1.0 Purpose and Scope

The purpose of this Policy is to establish a procedure requiring that all vacant or soon to be vacant positions within Gilpin County government be justified prior to being filled. This process will ensure positions are necessary, legally compliant, and structured in a way that supports cross-departmental collaboration and organizational efficiency.

2.0 Position Justification Requirement

Prior to initiating recruitment or filling any vacant or new position, the responsible department head or elected official shall provide written justification to the County Manager. This justification shall include, at a minimum:

- 2.1 **Job Description Review:** A current and accurate job description must be submitted, reflecting the essential duties, qualifications, and expectations of the position.
- 2.2 **Confirmation of Need:** A statement demonstrating the necessity of the position, including relevant references to state statute, county responsibilities, or public service obligations.
- 2.3 **Cross-Department Support Consideration:** An assessment of whether the functions of the position could be shared with, or supported by, other departments or through outside support.
- 2.4 **Employment Type Evaluation:** A determination of whether the work to be performed requires a full-time position, or whether it could be effectively completed on a part-time or temporary basis.
- 2.5 **Organizational Structure Review:** Consideration of whether a reorganization of the department could eliminate the need for the position or result in greater efficiency, including consolidation of duties or reassignment of responsibilities.

3.0 Review and Approval

The County Manager, after consultation with the Human Resource Director, shall review each justification for completeness, alignment with county priorities, missions, values and goals, and overall operational efficiency. The County Manager may:

- 3.1 Approve the position to move forward to recruitment;
- 3.2 Request additional information or clarification;
- 3.3 Recommend organizational changes in lieu of filling the position; or
- 3.4 Deny the request with justification.

Final authority for the creation of new positions or significant departmental reorganizations shall remain with the Board of County Commissioners.

4.0 Applicability

This policy shall apply to all departments and offices within Gilpin County government, including those under the authority of elected officials, unless otherwise prohibited by statute.

5.0 Effective Date

This Resolution shall take effect immediately upon adoption.



County Attorney Report

Agenda Item Staff Report, Board of County Commissioners

Requested by: Sarah Baciak, Paralegal , County Attorney's Office

Additional Presenters:

Meeting Date: October 28, 2025

Public Hearing Required? No

Background/Request Description: County Attorney Report to provide Commissioners and the public with update on what the legal department is working on.

Requested Action: N/A

Alternatives: N/A

Fiscal Impacts: None.

Legal Impacts: None.

Environmental Impacts: None.

Human Resources Impacts: None.

Grant-Related? No.



County Attorney's Report October 28th – Board of County Commissioners Meeting

1. Reviewed/Reviewing/Drafting the following Contracts/Languages:
 - a. Drug Affected Properties Ordinance
 - b. Designation of County Roads Resolution
 - c. BBA Water Consulting Contract / Engagement Letter
 - d. Road Maintenance Agreement Template for Public Works
 - e. Crown Jewels Assessment Cybersecurity Agreement
 - f. Summit Food Contract
 - g. Orlo Contract
 - h. Pano Ai Tower Lease Agreement
 - i. United Power Tower Lease Agreement
 - j. 2026 Community Funding Contracts
 - k. Silicon Plains 2026 IT Service Contract
 - l. CRA Contract
2. Provided legal advice and research relative to the following matters:
 - a. Litigation and other matters which are confidential under Attorney Client Privilege.
 - b. Board of Assessment Appeals for Assessor's Office
 - c. Variance process – Land Use
3. Miscellaneous
 - a. Working on revisions to Land Use Code

County Managers' Report

October 28, 2025



- Regular monthly staff meetings with Senior Leadership Team (SLT), Appointed Leadership Team (A-Team), Sheriff Armstrong and Commissioners. A-Team one-on-one regular meetings scheduled. A-Team attending Mgr. Office weekly meeting on rotations.
- Address various needs of staff, public and Commissioners. Administrative functions
- Various meetings with vendors/consultants and outside agencies

Areas of Note:

Recent Focus Areas

- Regular, Budget and Work Session Agenda Schedule and Preparation
 - Next Regular BoCC meeting
 - October 28, 2025
 - Work Session (Tentative)
 - October 21, 2025
 - Rollinsville Water Cistern
 - Manager will attend Timberline Board meeting to discuss details
 - Incentive Pay Policy Reviews
 - Direction Received, as well as direction regarding vacant positions
 - OWTS – Onsite Wastewater Treatment
 - Direction Received for Public Health
 - CDPHE EPIC Grant
 - Not moving forward
 - SNAP Update
 - \$10,000 of donation funds to be used right away for additional food purchases
 - Call for assistance underway
 - November 4, 2025
 - Office Of Emergency Management – Update
 - GAP Membership
 - December 2, 2025
- Community Annex – Construction underway – job site camera not available
- South Beaver Creek Road – Study continues – 60% design completed –
 - November 12th – 6 p.m. - Courthouse
- Records/Files Scanning Project / Project expanding to Treasurer Files– ongoing,
- Strategic Work Session – Draft Mission, Vision and Goals
- Gilpin Ambulance Authority – Board of Director Meeting Participated
- I70 Gaming CDOT Traffic Incident Management Meeting - Attended
- Public Health – Well testing and mitigation effort underway near the sewer break
- Russell Gulch / Water General Response Pending
- Staffing: Finance Director/Assistant County Manager, 2nd Round Interviews Pending & a number of open positions have been pulled
- Tuesday, December 16th BoCC meeting canceled
- 2026 Budget Process (Tentative)
 - Completed - Departments submitting budget requests – June 9 – July 17th
 - Completed - Dept. Head / Mgr. meetings – July 21 – August 21st
 - Draft Budget Presented to Board – September 23rd

- Board / Dept. Head meetings – October 7th & 8th (if necessary)
- Board Work Sessions – Oct. 9th (11 a.m. – 4 p.m.), 15th, (9 a.m. – 4 p.m.) & Nov. 5th 12-4 .m.
- Board Budget Adoption – Monday, Dec. 15th (Special Meeting)