

STATE OF COLORADO )  
 ) ss.  
COUNTY OF ROUTT )

RESOLUTION #2010-P-055

**A RESOLUTION CONFIRMING AND APPROVING A DIVISION OF LAND AS EXEMPT  
FROM THE SUBDIVISION REGULATIONS OF ROUTT COUNTY**

**County Road 14 Widening Project  
Tr in Pt of Tr 90 in SE4 Section 36-5-85  
John O. and Leigh Whittum Trust  
Project PX2009-027  
Parcel 14**

**RECITALS**

- A. John O. and Leigh Whittum ("Landowner") is the current owner of property containing acres (the 'Parcel') as described in a plat filed in the Routt County Clerk and Records Office at Reception #612819.
- B. The Parcel is a Buildable Lot as defined in the Routt County Zoning Resolution Section 2 Number 77.
- C. The Board of County Commissioners of Routt County (the "Board") intends to widen, realign and reconstruct the portion of Routt County Road 14 ("CR 14") from the northern intersection of CR 14 with Colorado Highway 131 to Henderson Park Road (the "Project").
- D. The Landowner has agreed to sell and the Board has agreed to purchase the portion of the Parcel described in Exhibit A (the "Right of Way Parcel")
- E. The Project will reduce the acreage of the Parcel as follows:

Existing Acreage:	21.75
Additional Right of Way CR 14:	1.87
Remaining Acreage:	19.88

- F. Pursuant to § 30-28-101 (10) (d), Colorado Revised Statutes (C.R.S.), the Board may grant an exemption from the application of the Routt County Subdivision Regulations if the Board finds that a particular division of land is not within the purposes of Part 1, Article 28, Title 30 of the C.R.S.
- G. Section 2.7.1 A of the Routt County Subdivision Regulations provides:

Division of Land for Public Purposes:  
2.71 Applicability

Division of land to create parcels of land to be conveyed to the county, state or federal governments, to municipalities or to special district for public purposes such as but not limited:

A. The creations or expansion of public rights-of-ways

- H. On June 8, 2010, the Board conducted a public hearing (the Public Hearing) for the purpose of recognizing that the Parcel is and will remain a "Buildable Lot" and is located in the Agricultural/Forestry (AF) zone district.
- I. The Board acknowledged that the acquisition of land for the Project would reduce the acreage of the Parcel to allow land for the "Project."
- J. Based on the evidence received at the Hearing, the Board finds that the foregoing recitals are true and the division of land is not within the purposes of Part 1, Article 28, Title 30 of the C.R.S., and an Exemption from the Routt County Subdivision Regulations may be granted for the Parcel and that, notwithstanding the reduction in the size of the Parcel as described herein, the Parcel shall continue to constitute a legal, "Buildable Lot" in the AF Zone District.

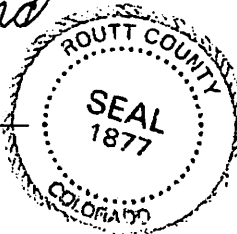
**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners for Routt County, Colorado, that the division of land as described herein, is exempt from the application of Routt County Subdivision Regulations and the Parcel, as reduced in size as describe herein shall continue to constitute a legal, Buildable Lot as defined in Section 2 Number 77.

Adopted and effective the 24<sup>th</sup> day of August, 2010, by the Board of County Commissioners of Routt County, State of Colorado.

Nancy J. Stahoviak  
Nancy J. Stahoviak, Chairman

Vote: Diane Mitsch Bush ☒ Yes ☐ No ☐ Absent ☐ Abstain  
Nancy J. Stahoviak ☒ Yes ☐ No ☐ Absent ☐ Abstain  
Douglas B. Monger ☒ Yes ☐ No ☐ Absent ☐ Abstain

ATTEST Kay Weinland  
Kay Weinland  
Kay Weinland  
Routt County Clerk and Recorder



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**LEGAL DESCRIPTION OF: ROW-PARCEL 14**

A parcel of land located in a portion of Section 36 located in Township 5 North, Range 85 West of the 6<sup>th</sup> Principal Meridian, Routt County, Colorado, being more particularly described as follows:

**COMMENCING** at the POINT OF BEGINNING, whence the North East Corner of said Section 36 bears N09° 07' 17"W a distance of 5377.4 feet;

From the **POINT OF BEGINNING**; Thence, N 03° 29' 22" W for a distance of 196.86 feet to a point on a line.

Thence, N 01° 12' 53" E for a distance of 201.44 feet to a point on a line.

Thence, N 03° 53' 46" E for a distance of 200.62 feet to a point on a line.

Thence, N 06° 03' 06" E for a distance of 197.07 feet to a point on a line.

Thence, N 18° 18' 37" E for a distance of 141.71 feet to a point on a line.

Thence, N 30° 00' 09" E for a distance of 42.33 feet to a point on a line.

Thence, N 89° 30' 26" W for a distance of 42.44 feet to a point on a line.

Thence, S 32° 14' 12" W for a distance of 14.40 feet to a point on a line.

Thence, S 18° 19' 21" W for a distance of 105.40 feet to a point on a line.

Thence, S 13° 32' 16" W for a distance of 156.63 feet to a point on a line.

Thence, S 07° 12' 28" W for a distance of 200.75 feet to a point on a line.

Thence, S 01° 49' 22" W for a distance of 152.32 feet to a point on a line.

Thence, S 07° 51' 22" W for a distance of 49.66 feet to a point on a line.

Thence, S 01° 32' 25" W for a distance of 52.38 feet to a point on a line.

Thence, S 04° 11' 57" E for a distance of 101.48 feet to a point on a line.

Thence, S 00° 44' 06" E for a distance of 107.30 feet to a point on a line.

Thence, N 89° 26' 26" W for a distance of 917.05 feet to a point on a line.

Thence, S 01° 06' 12" W for a distance of 40.18 feet to a point on a line.

thence S 89° 30' 26" E a distance of 974.78 feet to the **POINT OF BEGINNING**;

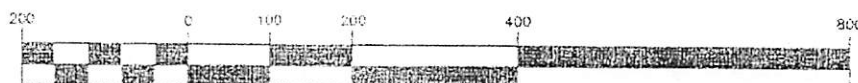
Containing 81612 square feet or 1.87 Acres. The basis of bearing is the north line of the northwest quarter of Section 31 Township 5 North, Range 84 West, 6<sup>th</sup> Principal Meridian being S88°06'27"E.

Attachment "A"  
ROW PARCEL - PARCEL 14

LINE TABLE		
LINE	LENGTH	BEARING
L1	196.86	N03°29'22"W
L2	201.44	N01°12'53"E
L3	200.62	N03°53'46"E
L4	197.07	N06°03'06"E
L5	141.71	N18°18'37"E
L6	42.33	N30°00'09"E
L7	42.44	N89°30'26"W
L8	14.40	S32°14'12"W
L9	105.40	S18°19'21"W
L10	156.63	S13°32'16"W
L11	200.75	S07°12'28"W
L12	152.32	S01°49'22"W
L13	49.66	S07°51'22"W
L14	52.38	S01°32'25"W
L15	101.48	S04°11'57"E
L16	107.30	S00°44'06"E
L17	917.05	N89°26'26"W
L18	40.18	S01°06'12"W
L19	974.78	S89°30'26"E

81,612 sq.ft.  
1.87 acres

GRAPHIC SCALE



( IN FEET )  
1 inch = 200 ft.



TMS Consultants LLC  
Traffic and Civil Engineering  
CM and Design Build  
tmsconsultants.com

Date: 10/01/09  
Designed: TMC  
Checked: JPK  
Proj. NO.:2802

Robert A. Knutson  
PO Box 774964  
Steamboat Springs, CO 80477  
(970) 819-6424

[rob@northernlightsmanagement.com](mailto:rob@northernlightsmanagement.com)

September 13, 2017

HAND DELIVERY

Chad Phillips, AICP, Director  
Routt County Planning Department  
136 6<sup>th</sup> Street, 2<sup>nd</sup> Floor / PO Box 773749  
Steamboat Springs, CO 80477-3749

SUBJECT: Building Permit for 28880 RCR #14 – Account R3205411 / Parcel 946364004

NOTE: Each document contained in this presentation will be *numbered sequentially* with the # circled in red

Dear Chad;

I purchased the above property from Leigh and John Whittum on July 23, 2015.  
Deed attached (3 pages); #1.

Mr. Whittum represented that they and their former partners, Mr. and Mrs. Roberts, purchased a larger, 42+ Acre property together and retained Attorney Mike Holloran to arrange for division of the property one year after their acquisition in 1975. Their intention was to create two buildable parcels; one for each couple.

Please see attached GIS map identifying the parcels (1 page); #2. My parcel is "B"; the Roberts home, built in 1992, is parcel "A."

I have printed and attach the Property Card for the Roberts' home; Account R3205412 / Parcel 946364005 (3 pages); #3. The card shows that the Roberts' home was built in 1992.

Next, I give you the Deed sequence of the properties. This information was researched for me by Heritage Title Company, Steamboat Springs. These documents are identified collectively as #4 and contain (8) pages:

- Thorne to Roberts and Whittum; Book 411, Page 503 recorded December 3, 1975; (A & B)
- Roberts to Whittum; Book 412, Page 554 recorded January 6, 1976; (B)
- Whittum to Roberts; Book 412, Page 556 recorded January 6, 1976; (A)
- Special Warranty Deed from Whittum to John and Leigh Whittum Trust dated December 29, 2004; Reception 612819 recorded January 3, 2005. My property is identified as PARCEL 2 in this deed and additionally as (21 acres at intersection of RCR 14 and 14A.)

As stated above, the initial Buyers, Roberts and Whittum, intended to create two buildable parcels and retained Attorney Mike Holloran to assist them. Mr. Holloran created an Escrow Agreement with the assistance of TransAmerica Title (n/k/a Heritage Title) in December 1975. The two deeds listed above (Roberts to Whittum-412/554 and Whittum to Roberts-412/556) were deposited into the Escrow with TransAmerica with written instructions to TransAmerica that TransAmerica was to record the two deeds after December 4, 1976 based on discussions and directions Mr. Holloran obtained from then-Planning Administrator, Dan Ellison.

TransAmerica Title "messed up" and recorded the two deeds listed above in January 1976.

Attached is document #5 (2 pages.) The letter dated April 2, 1976 from Mike Holloran to Dan Ellison details the problem with the Escrow and the premature recording of the two Deeds. The letter dated April 27, 1976 is Dan Ellison's reply. There have been no "further divisions of this property" since the Whittums acquired via the Deed 412/554. The Legal Description contained in my Deed (Reception 760195 recorded July 23, 2015) is the same.

My request to you, Chad, is that you re-confirm Dan Ellison's determination so that I or any future Owner of my property will be able to obtain a building permit for my property once I meet the requirements of a building permit.

Thanks very much. I can be reached at the above contacts.

Robert A. Knutson,

Owner

(Mr. Joe Roberts still lives on "Parcel A" and was kind enough to dig through his files to find the two letters. He clearly remembers the plan as they and the Whittums wanted to be assured there would be no future problems. Mr. Roberts was also kind enough to offer to meet with you to affirm the above information. Mike Holloran does not recall the work and has destroyed his files from that far back in time. I am hesitant to incur legal fees in this matter with Mike Holloran since Mr. Roberts was able to provide the information above. RK )



1

After Recording Return to:  
Robert A Knutson

Doc Fee: \$39.50

WARRANTY DEED

This Deed, made July 23, 2015

Between John and Leigh Whittum Trust, dated December 29, 2004 of the County Routt, State of COLORADO, grantor(s) and Robert A Knutson, whose legal address is PO Box 774964, Steamboat Springs, Colorado 80477 County of Routt, and State of COLORADO, grantee.

WITNESS, That the grantor, for and in the consideration of the sum of THREE HUNDRED NINETY-FIVE THOUSAND DOLLARS AND NO/100'S (\$395,000.00 ) 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, their heirs and assigns forever, all the real property together with improvements, if any, situate, lying and being in the County of Routt, State of COLORADO described as follows:

See Exhibit A attached hereto and made a part hereof.

also known by street and number as 28880 County Road 14A, Steamboat Springs, CO 80487

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

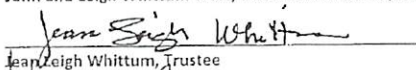
TO HAVE AND TO HOLD said premises above bargained and described, with the appurtenances, unto the grantee, his heirs and assigns forever. And the grantor, for himself, his heirs and personal representatives, does covenant, grant, bargain and agree to and with the grantee, his heirs and assigns, that at the time of the enrolling 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 lawful 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 so ever, except for taxes for the current year, a lien but not yet due and payable, and those specific Exceptions described by reference and as set forth on Exhibit 1

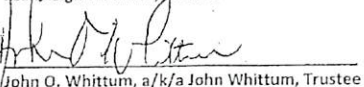
The grantor shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the grantee, his heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof. The singular number shall include the plural, the plural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

IN WITNESS WHEREOF, the grantor has executed this on the date set forth above.

SELLER:

John and Leigh Whittum Trust, dated December 29, 2004

  
Jean Leigh Whittum, Trustee

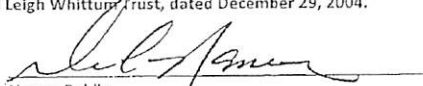
  
John O. Whittum, a/k/a John Whittum, Trustee

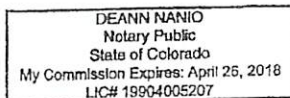
STATE OF COLORADO  
COUNTY OF ROUTT

] ss:

The foregoing Instrument was acknowledged, subscribed and sworn to before me July 23, 2015 by Jean Leigh Whittum and John O. Whittum, a/k/a John Whittum, Trustees of the John and Leigh Whittum Trust, dated December 29, 2004.

Witness my hand and official seal.

  
Notary Public  
My Commission expires:



ESCROW NO. 462-H0437342-328-DN

bill/sale

Exhibit A

A tract of land located in a portion of Tract 90, Section 36, Township 5 North, Range 85 West of the 6<sup>th</sup> P.M., Routt County.

Beginning at a point on the South line of said Tract 90 from which AP 3 Tract 90 bears S 89°45'00" W 3581.60 feet,  
Thence N 00°26'57" E 965.97 feet,  
Thence S 89°30'26" E 1059.59 feet more or less to the westerly R.O.W. of County Road #14,  
Thence S 30°00'09" W 42.33 feet along said R.O.W.  
Thence S 18°18'37" W 141.71 feet along said R.O.W.  
Thence S 06°03'06" W 197.07 feet along said R.O.W.  
Thence S 03°53'46" W 200.62 feet along said R.O.W.  
Thence S 01°12'53" W 201.44 feet along said R.O.W.  
Thence S 03°29'22" E 196.86 feet along said R.O.W. more or less to its point of intersection with the South line of said Tract 90,  
Thence N 89°30'26" W 974.77 feet along said South line to the Point of Beginning.

Less and Except a tract of land as described in the deed to Routt County, Colorado, a body corporate and politic recorded April 22, 2010 at Reception No. 698159.

County of Routt, State of Colorado



EXHIBIT I

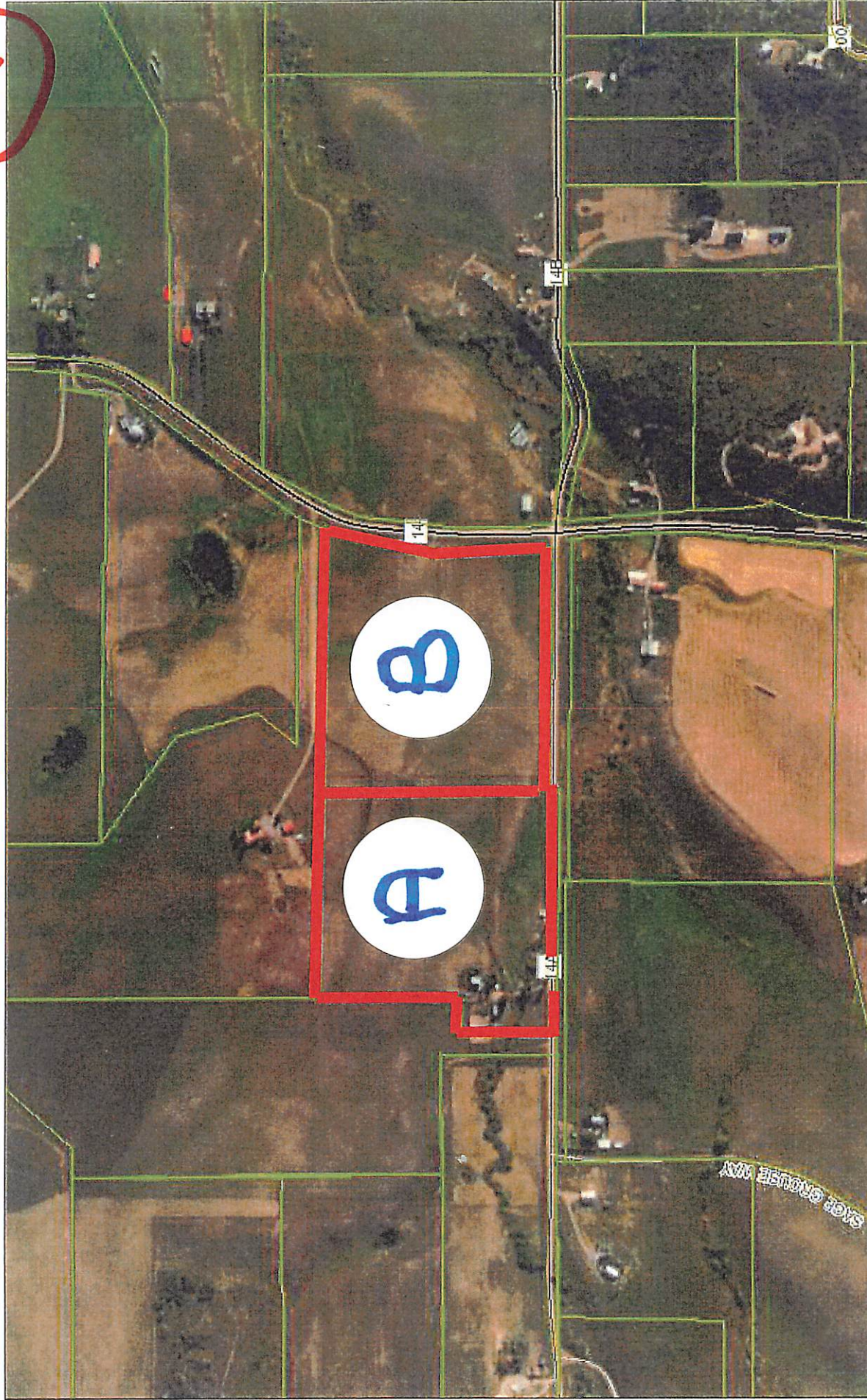
1. Water rights, claims of title to water, whether or not these matters are shown by the Public Records.
2. All rights to any and all minerals, ore and metals of any kind and character, and all coal, asphaltum, oil, gas and other like substances in or under the Land, the rights of ingress and egress for the purpose of mining, together with enough of the surface of the same as may be necessary for the proper and convenient working of such minerals and substances, as reserved in the Patent  
  
From: State of Colorado  
Recording Date: January 17, 1921  
Recording No.: Book 122 at Page 413
3. Right of Way for Grouse Creek Ditch, as it appears on Plat at File No. 43, insofar as the same may affect the Land.
4. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
  
Granted to: US West Communications, Inc. a Colorado Corporation  
Purpose: telecommunications facilities  
Recording Date: April 25, 1994  
Recording No: Book 696 Page 1465
5. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
  
Granted to: Yampa Valley Electric Association, Inc.  
Purpose: electric transmission or distribution line or system  
Recording Date: March 26, 1996  
Recording No: Book 717 at Page 666
6. Terms, conditions, provisions, agreements and obligations contained in the Resolution as set forth below:  
  
Recording Date: August 25, 2010  
Recording No.: Reception No. 702495
7. Any existing leases or tenancies, and any and all parties claiming by, through or under said lessees.

ESCROW NO. 462-H0437342-328-DN

billsale

A = Roberts B = Whittum (Knutson)

88



August 23, 2017

Lines

Override 1

Parcels

State

Public - Primary

Public - Local

Public - 4WD

Private

Town

USFS

1:9,028

0 0.075 0.15 0.3 mi

0 0.1 0.2 0.4 km

Sources: Esri, HERE, DeLorme, Intermap, increment P. Corp., GEBCO, USGS, FAO, NPS, NRCAN, Geobase, IGN, Kadaster NL, Ordnance Survey,

USDA FSA, Microsoft | County of Routt, Bureau of Land Management, Esri, HERE, Garmin, INCREMENT P, Intermap, USGS, METINASA, NGA, EPA, USDA | Routt County GIS User





# Property Record Card

Routt County Assessor

3

**ROBERTS, JOSEPH N. &  
PATRICIA**

28910 RCR 14A  
STEAMBOAT SPRINGS, CO 80487-  
0000

**Account: R3205412**

Tax Area: 20 - \*RE2\* MID-  
ROUTT ~10 Mile Radius Outside SS  
City Limits

Acres: 21.750

**Parcel: 946364005**

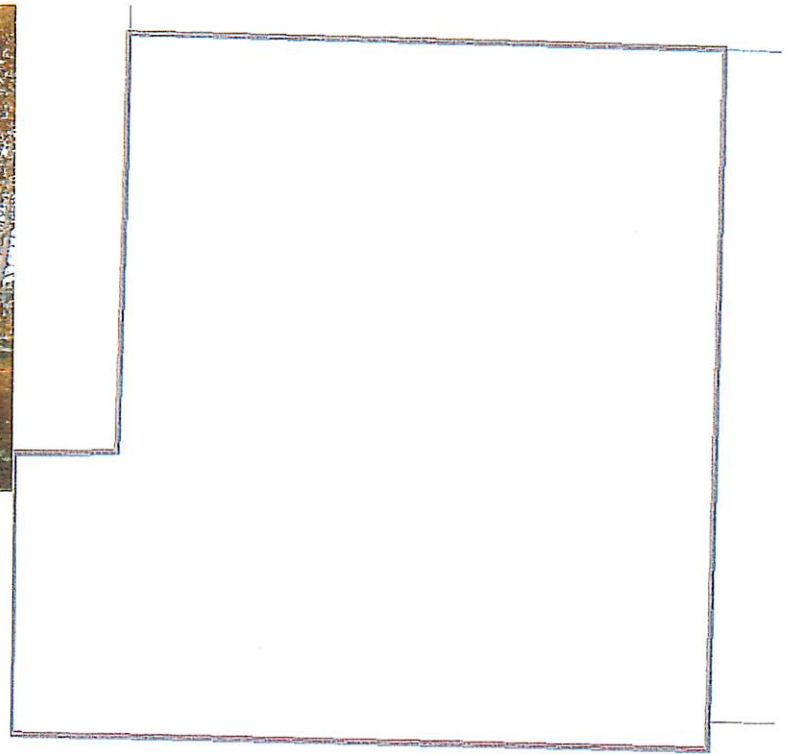
Situs Address:  
28910 COUNTY ROAD 14A  
STEAMBOAT SPRINGS, 80487

## Value Summary

Value By:	Market	Override
Ag Land (1)	\$5,030	N/A
Ag Land (2)	\$1,770	N/A
10 Mile Res (1)	\$415,740	N/A
XFOB (1)	\$11,510	N/A
XFOB (2)	\$0	N/A
XFOB (3)	\$1,340	N/A
<b>Total</b>	<b>\$435,390</b>	<b>\$435,390</b>

## Legal Description

TR IN PT OF TR 90 IN SE4  
SEC 36-5-85 TOTAL 21.75A



## Public Remarks

Entry Date	Model	Remark
04/30/2010		4/30/2010: WD 12/3/1975 B411 P503. 2010 SENIOR EXEMPTION APPROVED. SAH
01/24/2013		CHANGED MAILING PER CHANGE NOTED ON 2013 TAX BILL-CH

## Ag Land Occurrence 1

Property Code	4137 - MEADOW HAY LAND-AGRIC	Economic Area	2 - 10 MILE
Super Neighborhood	60 - 131 SOUTH TO YELLOW JACKET P	Neighborhood	1010 - 10 MILE
Land Code	1050 - 1000 - LANDCODE	Land Use	5 - IRR HAY A
Zoning	AF	Site Access	0 - UNKNOWN
Road	4 - PAVED	Site View	2 - GOOD
Topography	1 - LEVEL	Water	1 - NONE



# Property Record Card

Routt County Assessor

## Ag Land Occurrence 1

Utilities	3 - ELECTRIC		Sewer	1 - NONE		
SubArea	ABOVE GRADE LIVING	ACTUAL TOTAL SQ FT	Effective SqFt - Assessor Use Only	RENTAL AREA	UNIT VALUE	
Acres		10				
Total		10.00				
	Value	Rate	Rate	Rate	Rate	Rate
	\$5,030		503.00			

## Ag Land Occurrence 2

Property Code	4127 - DRY FARM LAND-AGRIC	Economic Area	2 - 10 MILE
Super Neighborhood	60 - 131 SOUTH TO YELLOW JACKET P	Neighborhood	1010 - 10 MILE
Land Code	1050 - 1000 - LANDCODE	Land Use	20 - DRY FARM A
Zoning	AF	Site Access	0 - UNKNOWN
Road	4 - PAVED	Site View	2 - GOOD
Topography	1 - LEVEL	Water	1 - NONE
Utilities	3 - ELECTRIC	Sewer	1 - NONE

SubArea	ABOVE GRADE LIVING	ACTUAL TOTAL SQ FT	Effective SqFt - Assessor Use Only	RENTAL AREA	UNIT VALUE	
Acres		11.75				
Total		11.75				
	Value	Rate	Rate	Rate	Rate	Rate
	\$1,770		150.64			

## 10 Mile Res Occurrence 1

Property Code	4277 - FARM/RANCH RES-IMPRVMTS	Economic Area	2 - 10 MILE
Neighborhood	1400 - SN 60 PARCELS	Building Type	2 - 2 & 3 STORY
Levels	2 - 2 - STORIES	Actual Year Built	1992
Effective Year Built	1992	Remodel Year	0
Architectural Style	2 - CONTEMPORARY	Grade/Quality	30 - AVERAGE
Frame	1 - WOOD	Foundation	1 - CONCRETE
Garage Capacity	0	Total Rooms	6
Bedrooms	3	Bath Count	2
Baths Full	0	Baths Half	0
Bath TQR	0	Kitchen Count	1
Fireplace Count	1	Fireplace Type	1 - WB STOVE
Roof Style	1 - GABLE	Roof Cover	3 - METAL
Insulation	3 - AVERAGE	Windows	3 - DOUBLE GLAZE
Fenestration	2 - AVERAGE	Exterior Condition	4 - NORMAL
Heating Type	4 - HOT WTR BSBD	Interior Condition	3 - NORMAL
Permit	92064	Exterior Wall	3 - LOG
Percent	100	Super Neighborhood	60 - 131 SOUTH TO YELLOW JACKET PAS
Basement Type	3 - PARTIAL		

SubArea	ABOVE GRADE LIVING	ACTUAL TOTAL SQ FT	Effective SqFt - Assessor Use Only	RENTAL AREA	UNIT VALUE	
BILEVEL	554	554	554			
BSMT_FIN			86			
BSMT_TOTAL		286	86			
FIRST	852	852	852			



# Property Record Card

Routt County Assessor

## 10 Mile Res Occurrence 1

SECOND	804	804	804			
Total	2,210.00	2,496.00	2,382.00			
	Value	Rate	Rate	Rate	Rate	Rate
	\$415,740	188.12	166.56	174.53		

## XFOB Occurrence 1

Property Code	4279 - OTHER BLDGS-AGRIC	Paired Model	1
Effective Year Built	1985	XFOB Code	907 - BARN, D
Actual Year Built	1985	Condition	4 - NORMAL

SubArea	ABOVE GRADE LIVING	ACTUAL TOTAL SQ FT	Effective SqFt - Assessor Use Only	RENTAL AREA	UNIT VALUE
SQFT		825	825		
Total		825.00	825.00		
	Value	Rate	Rate	Rate	Rate
	\$11,510		13.95	13.95	

## XFOB Occurrence 2

Property Code	4277 - FARM/RANCH RES-IMPRVMTS	Paired Model	1
Effective Year Built	1992	XFOB Code	202 - WOOD BALCONY
Actual Year Built	1992	Condition	4 - NORMAL

SubArea	ABOVE GRADE LIVING	ACTUAL TOTAL SQ FT	Effective SqFt - Assessor Use Only	RENTAL AREA	UNIT VALUE
SQFT		468	468		
Total		468.00	468.00		
	Value	Rate	Rate	Rate	Rate
	\$0				

## XFOB Occurrence 3

Property Code	4279 - OTHER BLDGS-AGRIC	Paired Model	1
Effective Year Built	1980	XFOB Code	941 - UTILITY,S-POLE
Actual Year Built	1980	Condition	4 - NORMAL

SubArea	ABOVE GRADE LIVING	ACTUAL TOTAL SQ FT	Effective SqFt - Assessor Use Only	RENTAL AREA	UNIT VALUE
SQFT		336	336		
Total		336.00	336.00		
	Value	Rate	Rate	Rate	Rate
	\$1,340		3.99	3.99	

## Abstract Summary

Code	Classification	Actual Value	Value	Taxable Value	Actual Value Override	Taxable Override
4127	DRY FARM LAND-AGRIC		\$1,770	\$510	NA	NA
4137	MEADOW HAY LAND-AGRIC		\$5,030	\$1,460	NA	NA
4277	FARM/RANCH RES-IMPRVMTS		\$415,740	\$29,930	NA	NA
4279	OTHER BLDGS-AGRIC		\$12,850	\$3,730	NA	NA
Total			\$435,390	\$35,630	NA	NA



Recorded at 10<sup>00</sup> o'clock *am* Dec 3, 1975  
Reception No. 258759 *Lance Hall* Recorder.

4

THIS DEED, Made this 2<sup>nd</sup> day of December, 19 75

between WILLIAM S. THORNE and DOROTHY M. THORNE, also known as Dorothy Thorne, Husband and Wife

BOOK 411 PAGE 503

of the  
County of Routt and State of Colorado, of the first part, and  
JOSEPH N. ROBERTS, PATRICIA A. ROBERTS, LEIGH WHITTUM,  
and JOHN WHITTUM  
of the County of Routt and State of

STATE DOCUMENTARY FEE  
DATE 12-3-75  
\$36

Colorado, of the second part:

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of  
TEN (and other good and valuable considerations)-----DOLLARS  
to the said parties of the first part in hand paid by said parties of the second part, the receipt whereof is  
hereby confessed and acknowledged, have granted, bargained, sold and conveyed, and by these presents do  
grant, bargain, sell, convey and confirm, unto the said parties of the second part, their heirs and assigns for-  
ever, all the following described lot or parcel of land, situate, lying and being in the  
County of Routt and State of Colorado, to wit:

As described in Exhibit A hereto attached and made a part hereof.

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 said parties of the first part, either in law  
or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described with the appurtenances, unto the  
said parties of the second part, their heirs and assigns forever. And the said parties of the first part,  
for themselves, their heirs, executors, and administrators, do covenant, grant, bargain, and agree to and  
with the said parties of the second part, their heirs and assigns, that at the time of the enrolling and delivery  
of these presents, they are well seized of the premises above conveyed, as of good, sure, perfect, absolute and  
indefeasible estate of inheritance, in law, in fee simple, and have good right, full power and lawful 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 and encumbrances of whatever kind or  
nature soever, except 1975 property taxes which the grantees assume and agree to pay;

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

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands  
and seals the day and year first above written.

*William S. Thorne* (SEAL)  
WILLIAM S. THORNE

*Dorothy M. Thorne* (SEAL)  
DOROTHY M. THORNE, Husband and Wife

(SEAL)

STATE OF COLORADO,

County of Routt

ss.

The foregoing instrument was acknowledged before me this 2<sup>nd</sup> day of December, 1975, by William S. Thorne and Dorothy M. Thorne, also known as Dorothy Thorne, Husband &  
My commission expires July 24, 1977, 19. Witness my hand and official seal.

*Darlene H. Eide*  
Darlene H. Eide  
Notary Public



## EXHIBIT A

THORNE - ROBERTS &amp; WHITTUM DEED

A tract of land in Tract 90, Section 36, Township 5 North, Range 85 West of the 6th P.M., bounded by a line described as follows:

Beginning at a point on the South line of said Tract 90 from which AP 3 of said Tract 90 bears S 89°45'00" W 2657.16 feet (said point being the SE corner of a tract of land reserved by deed recorded in Book 337, Page 219);  
thence S 89°45' W along the south line of said Tract 90 for a distance of 165 feet;  
thence N 00°26'57" E 330.00 feet;  
thence N 89°45' E 165 feet;  
thence N 00°26'57" E 635.97 feet;  
thence S 89°30'26" E 1984.03 feet, more or less, to the Westerly right of way of County Road No. 14;  
thence S 30°00'09" W 42.33 feet along said right of way;  
thence S 18°18'37" W 141.71 feet along said right of way;  
thence S 06°03'06" W 197.07 feet along said right of way;  
thence S 03°53'46" W 200.62 feet along said right of way;  
thence S 01°12'53" W 201.44 feet along said right of way;  
thence S 03°29'22" E 196.86 feet along said right of way, more or less, to its point of intersection with the South line of said Tract 90;  
thence N 89°30'26" W 1899.21 feet along said South line to the point of beginning.

Together with 1-1/4 cubic feet of water per second of time adjudicated to the Grouse Creek Ditch under Priority No. 50 (51) and a proportionate interest in said ditch, but in no event shall the water right described above exceed 25% of the water flow through the Grouse Creek Ditch at any time.

Except mineral interests of record not owned by the grantors, subject to easements and rights-of-way of record or apparent.

Filed for record the 6 day of Jan. A. D. 1976 at 2:15 o'clock P. M. *Ernest Plour* RECORDER  
Reception No. 259325 By *Margaret A. Morgan* DEPUTY

BOOK 412 PAGE 554

**Know all Men by these Presents.** That *X* We, Joseph N. Roberts and

Patricia A. Roberts, as husband and wife,

whose street address is \_\_\_\_\_, City or Town of Steamboat Springs,

County of Routt \_\_\_\_\_ and State of Colorado \_\_\_\_\_, for the consideration

of Ten Dollars and other good and valuable consideration ~~XXXXX~~

in hand paid, hereby sell and quit-claim to John Whittum and Leigh Whittum

whose street address is \_\_\_\_\_, City or Town of Steamboat Springs,

County of Routt \_\_\_\_\_ and State of Colorado \_\_\_\_\_, the following

real property, situate in the County of Routt \_\_\_\_\_ and State of Colorado, to-wit:

As described in Exhibit A attached hereto and incorporated herein by this reference.

STATE NOTARY PUBLIC  
DATE 1-6-76  
i. no fee

with all its appurtenances \_\_\_\_\_

Signed and delivered this 3rd day of December, A. D. 1976.

IN THE PRESENCE OF

*Joseph N. Roberts*  
(Joseph N. Roberts, husband)

*Patricia A. Roberts*  
(Patricia A. Roberts, wife)

**STATUTORY ACKNOWLEDGMENT**

STATE OF COLORADO, } ss.

County of Routt

The foregoing instrument was acknowledged before me this

26 day of December, 1976, by Joseph N. Roberts and Patricia A. Roberts,

husband and wife

Witness my hand and official seal.

3-13-78

*Patricia G. Morgan*

NOTARY PUBLIC

Mailing Address for  
Future Tax Notices

Name

Mailing Address

FORM 166-Rev. 8-73 QUIT-CLAIM-STATUTORY FORM. FOR PHOTOGRAPHIC RECORD-THE C. F. HOECKEL CO., DENVER 25609

EXHIBIT A

BOOK 412 PAGE 555

A tract of land located in a portion of Tract 90, Sec. 36, T5N, R85W of the 6th P.M., Routt County, Colorado.

beginning at a point on the South line of said Tract 90 from which AT 3 Tract 90 bears S 89° 45' 00" W 3581.80 feet,

thence N 00° 26' 57" E 965.92 feet,  
thence S 89° 30' 23" E 1059.99 feet more or less  
to the Westerly R.O.W. County Rd. 714,  
thence S 30° 00' 09" W 42.33 feet along said R.O.W.  
thence S 13° 18' 37" W 141.71 feet along said R.O.W.  
thence S 06° 03' 06" W 197.07 feet along said R.O.W.  
thence S 03° 53' 46" W 200.62 feet along said R.O.W.  
thence S 01° 12' 53" W 201.44 feet along said R.O.W.  
thence S 03° 29' 22" E 196.86 feet along said R.O.W.  
more or less to its point of intersection with  
the South line of said Tract 90,  
thence N 89° 30' 23" W 974.77 feet along said South  
line to the point of beginning.

Together with 5/8 cubic feet of water per second of time adjudicated to the Grouse Creek Ditch under Priority No. 50 (51) and a proportionate interest in said ditch, but in no event shall the water right described above exceed 12½% of the water flow through the Grouse Creek Ditch at any time.

Filed for record the 6 day of Jan A. D. 19 76 at 3:15 o'clock P. M.

Reception No. 259328

RECORDER.

DEPUTY.

BOOK 412 PAGE 556

Know all Men by these Presents, That I, We, John Whittum and Leigh Whittum, as husband and wife, whose street address is \_\_\_\_\_, City or Town of Steamboat Springs, County of Routt and State of Colorado, for the consideration of Ten Dollars and other good and valuable consideration ~~XXXXXX~~, in hand paid, hereby sell and quit-claim to Joseph N. Roberts and Patricia A. Roberts, whose street address is \_\_\_\_\_, City or Town of Steamboat Springs, County of Routt and State of Colorado, the following real property, situate in the County of Routt and State of Colorado, to-wit:

As described in Exhibit A attached hereto and incorporated herein by this reference.

STATE SECRETARYS FEE  
DATE 1-6-76  
\$ No fee

with all its appurtenances \_\_\_\_\_

Signed and delivered this 3rd day of December, A. D. 19 76.

IN THE PRESENCE OF

(John Whittum, husband)

(Leigh Whittum, wife)

STATUTORY ACKNOWLEDGMENT

STATE OF COLORADO,

County of Routt

The foregoing instrument was acknowledged before me this

26 day of December, 19 76, by John Whittum and Leigh Whittum, husband and wife.

Witness my hand and official seal.

My commission expires 3-15-78.

Patricia G. Morgan

NOTARY PUBLIC.



EXHIBIT A

A tract of land in Tract 90, Section 36, Township 5 North, Range 85 West of the 6th P.M., containing a line described as follows:

BOOK 412 PAGE 557

Beginning at a point on the South line of said Tract 90 from which AP 3 of said Tract 90 bears S 89°45'00" W 2657.16 feet (said point being the SE corner of a tract of land reserved by deed recorded in Book 337, Page 219);

thence S 89°45' W along the south line of said Tract 90 for a distance of 165 feet;

thence N 00°26'57" E 330.00 feet;

thence N 89°45' E 165 feet;

thence N 00°26'57" E 635.97 feet;

thence S 89°30'26" E 1984.03 feet, more or less, to the Westerly right of way of County Road No. 14;

thence S 30°00'09" W 42.33 feet along said right of way;

thence S 18°18'37" W 141.71 feet along said right of way;

thence S 06°03'06" W 197.07 feet along said right of way;

thence S 03°53'46" W 200.62 feet along said right of way;

thence S 01°12'53" W 201.44 feet along said right of way;

thence S 03°29'22" E 196.86 feet along said right of way, more or less, to its point of intersection with the South line of said Tract 90;

thence N 89°30'26" W 1899.21 feet along said South line to the point of beginning.

Together with 5/8 cubic feet of water per second of time adjudicated to the Grouse Creek Ditch under Priority No. 50 (51) and a proportionate interest in said ditch, but in no event shall the water right described above exceed 12½% of the water flow through the Grouse Creek Ditch at any time.

Excluding from the above described tract of land the following:

---

A tract of land located in a portion of Tract 90, Sec. 36, T5N, R85W of the 6th P.M., Routt County, Colorado.

Beginning at a point on the South line of said tract 90 from which AP 3 Tract 90 bears S 89° 45' 00" W 3581.60 feet,

thence N 00° 26' 57" E 965.97 feet,

thence S 89° 30' 26" E 1059.59 feet more or less to the Westerly R.O.W. County Rd. 14,

thence S 30° 00' 09" W 42.33 feet along said R.O.W.

thence S 18° 18' 37" W 141.71 feet along said R.O.W.

thence S 06° 03' 06" W 197.07 feet along said R.O.W.

thence S 03° 53' 46" W 200.62 feet along said R.O.W.

thence S 01° 12' 53" W 201.44 feet along said R.O.W.

thence S 03° 29' 22" E 196.86 feet along said R.O.W.

more or less to its point of intersection with the South line of said Tract 90,

thence N 89° 30' 26" W 974.77 feet along said South line to the point of beginning.

**SPECIAL WARRANTY DEED**  
*(Actual Consideration Less Than \$100.00)*

THIS DEED, Made this 29th day of December, 2004, between John O. Whittum and Leigh Whittum a/k/a Jean Leigh Whittum and Jean Z. Whittum, one and the same person, of the County of Routt, State of Colorado, Grantors, and John and Leigh Whittum Trust, dated December 29, 2004, whose legal address is 41005 County Road 36, Steamboat Springs, Colorado 80477, Grantee:

WITNESSETH, That the Grantors, for and in consideration of the sum of Ten (and other good and valuable consideration) Dollars, the receipt whereof is hereby confessed and acknowledged, have granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell, convey and confirm, unto the said Grantee, its successors and assigns forever, all the following described real property, lying and being in the County of Routt and State of Colorado, to-wit:

**PARCEL 1:**

Lots 1 & 2 Whittum Exemption Subdivision in Routt County, Colorado.

also known by street and number as: 41005 AND 41015 RCR 36, Steamboat Springs, Colorado 80477

assessor's schedule or parcel number:

**PARCEL 2:**

A Tract of land located in a portion of Tract 90, Section 36, Township 5 North, Range 85 West of the 6<sup>th</sup> P.M., Routt County (21 acres at intersection of RCR 14 and 14A).

Beginning at a point on the South line of said tract 90 from which AP 3 Tract 90 bears  
S89°45' 00" W 3581.60 feet,  
Thence N00°26'57" E 965.97 feet,  
Thence S89°30'26" E 1059.59 feet more or less to the westerly R.O.W. of County Road  
#14,  
Thence S30°00'09" W 42.33 feet along said R.O.W.  
Thence S18°18'37" W 141.71 feet along said R.O.W.  
Thence S06°03'06" W 197.07 feet along said R.O.W.  
Thence S03°53'46" W 200.62 feet along said R.O.W.  
Thence S 01° 12' 53" W 201.44 feet along said R.O.W.  
Thence S03°29'22" E 196.86 feet along said R.O.W. more or less to its point of  
intersection with the South line of said Tract 90,  
Thence N89°30'26" W 974.77 feet along said South line to the point of beginning,

Together with 5/8 cubic feet of water per second of time adjudicated to the Grouse Creek Ditch under Priority No. 50 (51) and a proportionate interest in said ditch, but in no event shall the water right described above exceed 12 ½% of the water flow through the Grouse Creek Ditch at any time.

*B.W.*  
*JW*





612819  
Page: 2 of 2  
01/03/2005 01:56F

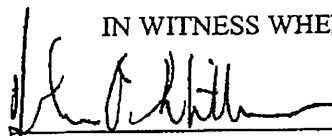
TOGETHER WITH all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the said Grantors, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

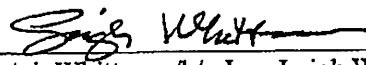
TO HAVE AND TO HOLD the said premises above bargained and described with the appurtenances, unto the said Grantee, successors and assigns forever. And the said Grantors, for themselves, their heirs, personal representatives, successors and assigns do covenant, grant, bargain, and agree to and with the said Grantee, its successors and assigns, that at the time of the unsealing and delivery of these presents, that the Grantors shall and will warrant and forever defend the above bargained premises in the quiet and peaceable possession of the Grantee, its successors and assigns against all and every person or persons lawfully claiming or to claim the whole or any part thereof, by, through or under the Grantors.

The John and Leigh Whittum Trust, dated December 29, 2004, is the owner and holds title to the above described real property. The Statement of Authority for said Trust is being contemporaneously recorded. Under the terms of said Trust, John O. Whittum and Jean Leigh Whittum are the primary beneficiaries of said Trust and upon the death of John O. Whittum and Jean Leigh Whittum, said Trust designates the successor beneficiaries and/or distributees. Notice is hereby given that the Trust is holding the ownership interest for the benefit of the beneficiaries of said Trust.

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 Grantors have executed this deed on the date set forth above.

  
\_\_\_\_\_  
John O. Whittum

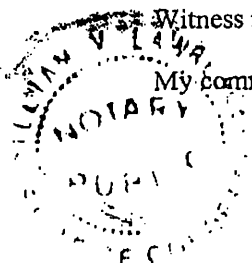
  
\_\_\_\_\_  
Leigh Whittum a/k/a Jean Leigh Whittum and  
Jean Z. Whittum, one and the same person


STATE OF COLORADO     )  
                                      :SS.  
COUNTY OF MOFFAT     )

The foregoing instrument was acknowledged before me this 29th day of December, 2004, by John O. Whittum and Leigh Whittum a/k/a Jean Leigh Whittum and Jean Z. Whittum, one and the same person, Grantors.

Witness my hand and official seal.

My commission expires: May 26, 2003



  
\_\_\_\_\_  
Notary Public

TW

JOHN H. GRASSBY  
MICHAEL J. HOLLORAN

GRASSBY AND HOLLORAN  
ATTORNEYS AT LAW  
141 - 9TH STREET  
STEAMBOAT SPRINGS, COLORADO 80477

(303) 879-2410  
P. O. BOX AP

April 2, 1976

5

Mr. Dan Ellison  
Planning Administrator  
Routt County Regional Planning Commission  
Post Office Box 9017  
Steamboat Springs, CO 80477

Dear Dan:

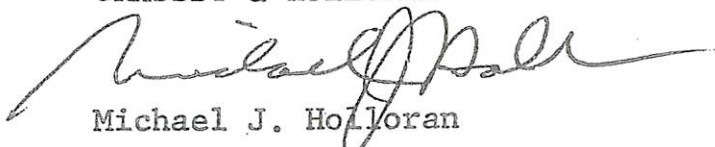
In accordance with our prior conversation in which I requested a letter from you specifying that the following outlined transactions do not violate the Subdivision Regulations for the County of Routt, State of Colorado, I am supplying the following information and documents:

In the beginning of December, 1975, Joseph Roberts, Patricia Roberts, Leigh Whittum and John Whittum purchased approximately 40 acres of land from William and Dorothy Thorne. Their purpose in purchasing the land was to eventually if not immediately transfer the real property between the four of them so that they each would end up owning approximately 20 acres. Our concern with a possible violation of the Subdivision Regulations led to conversations with Dale Cardwell and a letter being eventually written dated October 10, 1975, specifying that the execution of the deeds in 1975 between the two couples with the deeds being held in escrow for twelve months and one day and then recorded would not violate the County Subdivision Regulations. I have enclosed a copy of the letter dated October 10, 1975, and the deed undated. After those transactions, we forwarded to Transamerica Title Insurance Company two Quit Claim Deeds between the couples and an Escrow Agreement to be executed by Transamerica Title Insurance Company. Copies of the Quit Claim Deeds and Escrow Agreement are enclosed. Transamerica Title Insurance Company erred in immediately recording the Quit Claim Deeds between the parties and not holding them as required.

I am concerned about possible Subdivision Regulation violations as the result of this transaction and would appreciate a letter from you specifying that the transactions outlined above do not violate the Routt County Subdivision Regulations and would not subject Mr. and Mrs. Roberts and Mr. and Mrs. Whittum to penalties. Thank you for your attention to this matter and I look forward to your reply.

Very truly yours,

GRASSBY & HOLLORAN

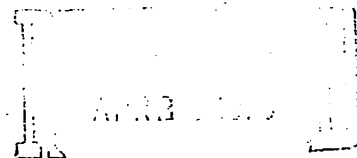


Michael J. Holloran

MJH:pm  
cc: Transamerica Title Insurance Co., Attn: Bob Swinehart

# ROUTT COUNTY REGIONAL PLANNING COMMISSION

April 27, 1976



Mr. Michael J. Holloran  
P. O. Box AP  
Steamboat Springs, CO 80477

Re: Roberts & Whittum Land  
Purchase

Dear Mike:

In reviewing your letter and the material provided with it, there does appear to be a problem with conformance to the Routt County Subdivision Resolution. The only conflict with the Subdivision Resolution is in the timing of the split of the property into two parcels of land. Since all other requirements of the Subdivision Resolution appear to have been met, and since the existing error was committed inadvertently, the error will be overlooked by this office.

Any further divisions of this property will be required to conform with appropriate County regulations.

Sincerely,

ROUTT COUNTY REGIONAL  
PLANNING COMMISSION

Daniel R. Ellison,  
Planning Administrator

DRE/kw