

STATE OF COLORADO )  
) ss.  
COUNTY OF ROUTT )

**RESOLUTION #2023-P-15**  
**RE: William and Jodie Uhl**  
**Subdivision Exemption**  
**Planning Activity No. PL20220077**

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

**WHEREAS**, William T. and Jodie H. Uhl, (the “Uhls”) are the owners of a parcel of property totaling 60.35 acres, more or less as described in Exhibit A attached hereto (the “Uhl Parcel”). The Uhl Parcel is located in the Agriculture and Forestry (A/F) Zone District.

**WHEREAS**, David Ryan Keating and Allison Michelle Keating, (the “Keatings”) are the owners of a piece of property totaling 19.65 acres, more or less as described in Exhibit B attached hereto (the “Keating Parcel”). The Keating Parcel is located in the Agriculture and Forestry (A/F) Zone District.

**WHEREAS**, in June of 2016 Anna Louise Fox owned an 80 acre parcel (the “Parcel A”).

**WHEREAS**, on June 22, 2016, Ms. Fox conveyed the Keating Parcel to the Keatings without going through the proper subdivision process, creating the current configuration of the Uhl Parcel and the Keating Parcel.

**WHEREAS**, when the Uhl Parcel and Keating Parcel were created, the minimum lot size in the Agriculture/Forestry (“A/F”) Zone District was 35 acres.

**WHEREAS, because** the minimum lot size in the A/F Zone District is 35 acres and the proper subdivision process was not followed, both the Uhl Parcel and the Keating Parcel were deemed unbuildable parcels.

**WHEREAS**, pursuant to Section 30-28-101(10)(d), Colorado Revised Statutes, the Routt County Board of County Commissioners (the “Board”) may grant exemptions from the application of Routt County Subdivision Regulations (the “RCSR”) if the Board finds that a particular division of land is not within the purposes of Part 1 of Article 28, Title 30 of the Colorado Revised Statutes (the “Colorado State Subdivision Law”).

**WHEREAS**, on October 11, 2022, the Board held a public hearing for the purpose of determining whether it should approve the Uhl Parcel as exempt from the RCSR, notice of said hearing having been advertised in the Steamboat Pilot, a local newspaper of general circulation.

**WHEREAS**, no input was offered from the public.

**WHEREAS**, the Board tabled a decision on the application until November 1, 2022.

**WHEREAS**, on November 1, 2022, the Board held a public hearing for the purpose of determining whether it should approve the Uhl Parcel as exempt from the RCSR.

**WHEREAS**, no input was offered from the public.

**WHEREAS**, Commissioner Corrigan moved to approve the subdivision exemption for the Uhl Parcel with the following findings of fact:

1. In 2016, a division of land occurred resulting in PIN 939013001, a 60-acre parcel (the "Property"), and PIN 939012002 (the "20-acre parcel") without County approval pursuant to the Routt County Subdivision Regulations ("Illegal Subdivision").
2. The owner of the Property ("Applicant") has submitted an application for an exemption from the Subdivision Regulations. The Property has unique characteristics and circumstances such that strict adherence to County's Subdivision Regulations would be impossible or result in an unreasonable hardship, creating a situation wherein development of the property is unnecessarily restricted.
3. Approval of the exemption does not add additional residential density to unincorporated Routt County.
4. The Property is zoned Agriculture/Forestry. The minimum lot size in this zone district is 35 acres. The Property is 60 acres, which is larger than the minimum lot size.
5. The Applicant's ownership of the Property post-dates the Illegal Subdivision by 5 years and 2 months and has shown to the satisfaction of the Planning Department that they were not involved in any way in the transaction which resulted in the Illegal Subdivision. The Applicant has stated, and the Planning Department has accepted as fact, that they were not made aware of the Illegal Subdivision prior to purchase of the subject property as, at the time of purchase, the Planning Department had not instituted the procedure for recording a notice of an Illegal Subdivision in the public records.

6. The Applicant has stated that there have been attempts to work with the owner of the 20 acre parcel to rectify the Illegal Subdivision by way of merger of title or otherwise, and that current owner(s) of the 20 acre parcel have not responded.
7. On or about November 22, 2016, the County provided notice to all owners of the resulting parcels of the Illegal Subdivision. The owner(s) of the 20 acre parcel have not responded to Planning Department efforts to mitigate the Illegal Subdivision. As a result, the 20 acre parcel will be subject to further enforcement of the Illegal Subdivision as allowed by law.
8. The Applicant, on the other hand, while not even being the owner of the Property at the time of the original notice, has made diligent efforts to mitigate the Illegal Subdivision.
9. The purpose of the County 35 acre minimum lot size in the Agriculture/Forestry zone district is to limit the amount of residential density to keep impacts of residential development at appropriate levels. The Special Use Permit review process is utilized to keep impacts of identified use at appropriate levels. The Property is the subject of an approved Special Use Permit PL202120018 where the uses and associated impacts were considered at length. The Special Use Permit places additional requirements and restrictions on the use of the Property. The existence of the Special Use Permit affords additional impact mitigation measures should concerns arise.
10. The exemption, if granted, will not diminish the value, use or enjoyment of the adjacent properties, nor curtail desirable light, air and open space in the neighborhood, nor change the character of the neighborhood.
11. The Property meets the criteria and requirements for a subdivision exemption pursuant to C.R.S. § 30-28-101 (10) and Section 2.3 (169) of the Routt County Zoning Regulations.

**WHEREAS**, this approval was given subject to the following condition:

1. A resolution for the subdivision exemption shall be finalized and recorded within six months of the Board of County Commissioners' approval. Extensions up to six months may be approved administratively.
2. An agreement, or some other recordable document, shall be entered into dedicating the right of way for County Road 68 to the County. The applicant shall provide a legal

description of the right of way. This document shall be recorded concurrently with the Subdivision Exemption resolution.

3. This approval only recognizes the 60-acre parcel (PIN 939013001) and does not recognize the legality of the 20-acre parcel (PIN 939013002).

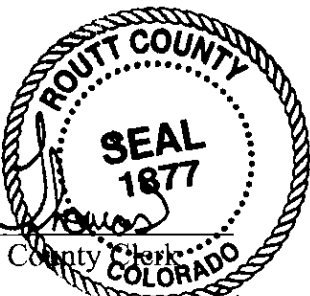
**WHEREAS**, Commissioner Corrigan's motion was duly seconded by Commissioner Redmond, and passed by a 3-0 vote of the Board. This resolution of approval is based upon the record presented at the public hearing and the findings made by the Board of County Commissioners.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Routt County, Colorado, that

1. The creation of the Uhl Parcel, as described on Exhibit A attached hereto, is exempt from the application of Routt County Subdivision Regulations and the Uhl Parcel shall be deemed to be a legally created lot and, as of the date of this resolution, a Buildable Lot as defined in Section 2 No. 83 of the Routt County Zoning Resolution.

**THIS RESOLUTION** is executed and effective this 14 day of February 2023.

ATTEST:



*Jenny L. Thomas*  
\_\_\_\_\_  
Jenny L. Thomas, County Clerk  
COLORADO

by *M. Dellezza*, Deputy Clerk

BY THE BOARD OF COUNTY COMMISSIONERS

*Tim Redmond*  
\_\_\_\_\_  
Tim Redmond, Chair

RESOLUTION VOTE:

Tim Redmond:	<input checked="" type="radio"/> Aye	<input type="radio"/> Nay	<input type="radio"/> Abstain	<input type="radio"/> Absent
Timothy V. Corrigan:	<input type="radio"/> Aye	<input type="radio"/> Nay	<input type="radio"/> Abstain	<input checked="" type="radio"/> Absent
Sonja Macys:	<input checked="" type="radio"/> Aye	<input type="radio"/> Nay	<input type="radio"/> Abstain	<input type="radio"/> Absent

# Exhibit A

DOWLING LAND SURVEYORS, LLC  
P.O. BOX 954  
HAYDEN, COLORADO 81639  
(970) 276-3613  
[dowling@plotz.biz](mailto:dowling@plotz.biz)

LEGAL DESCRIPTION

UHL PARCEL

AUGUST 29, 2022

A tract of land located in Tract 38 (E1/2 W1/2 Original Survey), Section 1, T6N R87W, 6<sup>th</sup> P.M., Routt County, Colorado, being more particularly described as follows:

BEGINNING at the GLO Brass Cap at AP 3 Tract 38 thence N 0°41'35" W along the West line of Tracts 'L' and 'M', of CANYON VALLEY RANCH, Filing No. 3 recorded at File No. 11754 records of Routt County, and on the East line of said Tract 38 a distance of 1978.73 feet to the Southeast Corner of that parcel of land of record at Reception No. 769615; thence S 87°45'28" W along the South line of said parcel a distance of 1308.10 feet, to a point on the West line of said Tract 38 and on the East line of Tract '1A', 480 RANCH SUBDIVISION, recorded at File No. 11890; thence S 0°26'04"E along said lines a distance of 1942.80 feet, to an Aluminum Cap PLS #16394 at AP 3 of Tract 38; thence N 89°19'57" E along the South line of Tract 38 a distance of 1316.17 to the POINT OF BEGINNING, containing 59.05 Acres, more or less.

Subject to the traverse and Right-of-Way of Routt County Road No. 68 and any other restrictions or encumbrances of record.

Basis of Bearings – The monumented portion of the East line of Tract 38 defined by GLO Brass Caps at AP 4, Tract 38 and AP 2, Tract 37 – S00°41'35"E

fox-uhl legal 8-29-22

---

Gordon R. Dowling  
PLS #30090

# Exhibit B

After Recording Return to:  
David Ryan Keating  
1625 Midvalley Drive #1 PMB 22  
Steamboat Springs, CO 80487

Doc Fee: \$7.50

## WARRANTY DEED

This Deed, made June 22, 2016, between **Anna Louise Fox** of the County Routt, State of COLORADO, grantor(s) and **David Ryan Keating and Allison Michelle Keating**, as Tenants In Common whose legal address is 1625 Midvalley Drive #1 PMB 22, Steamboat Springs, CO 80487 County of Routt, and State of COLORADO, grantee.

WITNESS, That the grantor, for and in the consideration of the sum of **SEVENTY-FIVE THOUSAND DOLLARS AND NO/100'S (\$75,000.00)** 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:

A tract of land located in Tract 38 (E1/2 W1/2 Original Survey), Section 1, T6N R87W, 6<sup>th</sup> P.M., Routt County, Colorado, being more particularly described as follows:

BEGINNING at AP 2, Tract 37 further being on the West line of Tract 'L', CANYON VALLEY RANCH, Filing No. 3 recorded at File No. 11754 records of Routt County, and on the east line of said Tract 38;  
thence S00°41'35"E along said West line of Tract 'L' and said East line of Tract 38 a distance of 655.15 feet; thence S87°45'28"W a distance of 1308.10 feet, to a point on the West line of Tract 38 and being on the East line of Tract '1A', 480 RANCH SUBDIVISION, recorded at File No. 11890, records of Routt County;  
thence N00°26'04"W along said lines, a distance of 655.24 feet;  
thence N87°47'44"E a distance of 1304.90 feet, to the POINT OF BEGINNING.

Basis of Bearings – The monumented portion of the East line of Tract 38 defined by GLO Brass Caps at AP 4, Tract 38 and AP 2, Tract 37 – S00°41'35"E

Subject to the traverse and Right-of-Way of Routt County Road No. 68.

Mineral rights are not included in this transaction.

also known by street and number as **TBD County Road 68, Hayden, CO 81639**

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 ensealing 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 to recorded documents as reflected in the Title Documents accepted by Buyer in accordance with section 8.1 (Title Review) of the contract dated May 31, 2016, between the parties.**

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.

*Anna Louise Fox by  
Barbara L. Rodewald as Attorney-in-Fact*  
Anna Louise Fox, by Barbara L. Rodewald, as Attorney-in-Fact

**PEGGY D. SPITELLIE**  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID: 10004021200