

SAN MIGUEL COUNTY BOARD OF COMMISSIONERS
MINUTES
SEPTEMBER 21, 2016
REGULAR MEETING
Second Floor, Miramonte Building
Telluride, Colorado

Present: Chair Joan May
Vice Chair Art Goodtimes
Commissioner Amy Levek

Staff Present: County Administrator Lynn Black
County Attorney Steve Zwick
Chief Deputy Clerk Carmen Warfield

1. Call to order.
9:31 a.m.
2. Review of Agenda.
3. Calendar Review.
4. CONSENT AGENDA:
 - a. Consideration to appoint Lynne Beck to the Telluride Regional Airport Authority to expire January 2020.
 - b. Consideration to appoint Paul Talmei to the Telluride Regional Airport Authority to expire January 2020.
 - c. Consideration to appoint Mick Francis as the alternate seat on the Telluride Regional Airport Authority to expire January 2020.
 - d. Acceptance of Building Department Monthly Report for August 2016.
 - e. Acceptance of September 15, 2016, Telluride Regional Airport Monthly Report.
 - f. Authorization of August 2016 Payroll and Vendor Payments.
(ATTACHMENT I)
 - g. Approval of Chair's signature as the Board of Commissioners and as San Miguel County Housing Authority on Amended and Restated Deed Restriction and Covenant with Joshua and Tara Butson, Lot 24, located in Lawson Hill Sub/PUD.
 - h. Ratification of Chair's signature on a comment letter on the BLM February 2017 Oil and Gas quarterly lease sale.
 - i. Approval of Chair's signature on Social Services Department Balance Sheet June 2016, Earned Revenue and Expenditures June 2016, Expenditures through Electronic Benefit Transfers July 2016, Check Register for the Month of July 2016, County Allocation/MOE Report June 2016, and 2016 Caseload Report. (ATTACHMENT II)
 - j. Ratification of Chair's signature on a letter of support to the National Endowment for the Arts supporting a grant for the Telluride Transfer Warehouse.
 - k. Ratification of the Vice Chair's signature on a letter to the Navajo Nation Councilors opposing the Escalade project, a 420-acre development along the eastern rim of the Grand Canyon.
 - l. Approval of Chair's signature on a comment letter dated September 13, 2016, related to the Spruce Beetle Epidemic and Aspen Decline Management Response (SBEADMR).
 - m. Approval of Chair's signature on recommendations of denial from the Hearing Officer on Abatements for Duff and Phelps clients (Karwick and Steinberg). (ATTACHMENT III – Abatement) (EXHIBIT A – Documents)
 - n. Approval of Chair's signature on a resolution authorizing the Chair of the Board to execute all closing documents required to effect the acquisition of real property, from Pathfinder Development Inc. of a parcel of Real Property known as the Pathfinder Gravel Pit located at 3795 Colorado State Hwy. 145, Telluride Colorado and associated water rights in the amount of \$500,000 plus closing costs with funds from the duly adopted San Miguel Budget for 2016.
(ATTACHMENT IV – Resolution #2016-20)
 - o. Approval of Chair's signature to deny 1 Petition for abatement. Petitioner requested an Administrative denial. (ATTACHMENT V – Abatement) (EXHIBIT B – Documents)

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- p. Approval of Chair's signature on a resolution supporting the naming of Fowler Peak and Boskoff Peak near Navajo Basin, Wilson Range, Colorado. (ATTACHMENT VI – Resolution #2016-19)

MOTION by Goodtimes to approve the consent agenda as presented. **SECONDED** by Levek. **APPROVED 3-0.**

5. ADMINISTRATIVE MATTERS:

- a. Discussion with Tri-State Generation and Transmission concerning the closing of the Nucla Substation by the end of 2022.

Present: Sarah Carlisle, Tri-State Generation, and Transmission Association Senior External Affairs Advisor; Lynn Padgett, County Public Agency Liaison and Natural Resources Director; Mike Rozycki, County Planning Director; Terri Snyder Lamers, County Resident; Hilary Cooper, County Resident

10:13 a.m. Recessed.
10:20 a.m. Reconvened.

- b. Discussion of a Fen Symposium.

Present: Art Goodtimes, County Commissioner; Hilary Cooper, County Resident

- c. Discussion of a Resolution expressing solidarity with Indigenous resistance to the Dakota Access Pipeline.

Present: Art Goodtimes, County Commissioner

MOTION by Goodtimes to approve a Resolution expressing solidarity with Indigenous resistance to the Dakota Access Pipeline contingent on the facts in the resolution being confirmed as factual. **SECONDED** by Levek agreeing to the same conditions. **APPROVED 3-0.** (ATTACHMENT VII – Resolution #2016-21)

- d. Consideration of the 2017 County Health Pool Benefits Renewal.

Note: Continued until the October 5, 2016, Board Meeting.

6. PLANNING MATTERS:

- a. Discussion of a policy on authorizing cisterns for potable water supply in unincorporated San Miguel County.

Present: Mike Rozycki, County Planning Director; Hilary Cooper, County Resident

Board Consensus to adopt the proposed policy concerning hauling of water and the use of Cisterns as the proposed water supply for Single-family residences.

- b. Other.
1. Development Permit Application from Samantha Rich Lot 17 "Fitts" Subdivision.

MOTION by Goodtimes to approve the Development Permit Application and authorize the use of a cistern to serve a residence on this property subject to compliance with the provision of LUC Section 5-605 C. IV. Subject to a qualifying statement advising that the approval of the use of a cistern system whose potable water supply is the Norwood Water Commission, Water Dispenser Station in Norwood may not provide a permanent, reliable source and the owner may have to drill a well in the future and/or find an alternative reliable source of water. **SECONDED** by Levek. **APPROVED 3-0.**

2. Development Permit Application from Edward and Tina Kemp, Lot 4 Pleasant View Subdivision.

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MOTION by Levek to not approve the Kemps use of a cistern system as the potable water supply for a future residence on their lot in the Pleasant View Subdivision, rather to officially designate the Pleasant View subdivision as a "Subdivision Exemption" as provided for by State statute and provide that information to Ms. Sullivan at the Colorado Department of Water Resources, thereby making Lot 4 eligible for a well permit. **Seconded** by Goodtimes. **APPROVED 3-0.**

Present: Mike Rozycki, County Planning Director; Edward and Tina Kemp, Owner of Lot 4 Pleasant View Subdivision

3. Discussion of the Special Use Permit Amendment: Centro Espirita Beneficento Uniad Do Vegetal, Spiritual Center.
4. Discussion of a tower on Coonskin.

Present: Mike Rozycki, County Planning Director; Hilary Cooper, County Resident

9. SAN MIGUEL COUNTY HOUSING AUTHORITY MATTERS:
 - a. Consideration of a request for a developer project agreement between the County and Andrew Bagnall, Kara Benz.

Present: Shirley Diaz, Executive Director Housing Authority; Andrew Bagnall, Project Developer

MOTION by Levek to approve the project and consents to sign the Construction Agreement provided by San Miguel Regional Housing Authority Lot Q 22, Illium Valley, Subdivision. **Seconded** by Goodtimes. **APPROVED 3-0.**

7. PUBLIC AGENCY LIAISON/NATURAL RESOURCES:
 - a. Update on the Colorado Communities for Climate Action (CC4CA).

Present: Kris Holstrom, County Resident; Lynn Padgett, County Public Agency Liaison/Natural Resources Director

Board Direction to staff to not comment on a potential comment letter related to the EPA's Clean Power Plan.

11:49 a.m. Recessed.
11:53 a.m. Reconvened.

8. SOCIAL SERVICES MATTERS:
 - a. Update with County Social Services Director.
 1. Replacement of the Caseworker in San Miguel County.
 2. Differential Response in Child Protective Services.
 3. EPT Payment delays.
 4. Fiscal year Closeout.
 5. Non-Profit Funding.

Present: Carol Friedrich, County Social Services Director

7. PUBLIC AGENCY LIAISON/NATURAL RESOURCES: Continued.
 - b. ~~Approval~~ Ratification of Chair's signature on a letter dated September 14, 2016, to the Colorado Water Conservation Board.

MOTION by Goodtimes to approve the ratification of the Chair's signature on a letter to the Colorado Water Conservation Board. **Seconded** by Levek. **APPROVED 3-0.**

- c. Other.
 1. Ames Power Plant will be closing.
 2. Ophir water Treatment Plant.
 3. Snowmobiles on Ophir Pass Road.

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4. Support of permanent funding for the Land and Water Conservation fund.

Board Consensus to sign the on-line petition to support permanent funding for Land and Water Conservation Fund.

Present: Lynn Padgett, County Public Agency Liaison/Natural Resources Director

10. ADMINISTRATOR'S REPORT:

- a. Update with County Administrator.
- b. Discussion of "Space to Create," with the Ridgway Focus Group.
- c. Domestic Violence Awareness and Community Appreciation Luncheon.

Present: Lynn Black, County Administrator

11. COMMISSIONER AND PUBLIC DISCUSSION:

- a. Public Discussion.
- b. Update on Outside Meetings.
 1. Art Goodtimes – Update Indigenous People's Day; Fen Symposium
 2. Amy Levek – Sneffels Energy Board; Telluride Institute Housing Ideas Festival
 3. Joan May – San Miguel Watershed Coalition; Telluride Airport Authority; U.S. Forest Service Federal Advisory Committee; Snowmobiles in Ophir
- c. ~~Website postings and press releases.~~
- d. General Discussion. (5min)

12. ATTORNEY MATTERS:

- a. Discussion related to the status report on the Land Lease and Solar Easement negotiation with SMPA for the County's Norwood Transfer station property.

Board Consensus to move forward with the monitoring well and order the Title Commitment while the lease is being finalized.

- b. Update on litigation.
 1. Executive Session: Discussion of San Miguel County C.R. S7, legal status, Citation (4)(b).

Present: Steve Zwick, County Attorney

MOTION by Levek to go into Executive Session to discuss San Miguel County C.R. S7, legal status, Citation (4)(b). **SECONDED** by Goodtimes. **PASSED 3-0.**

Note: The County Attorney requested that items 12.b. not have written minutes as it constitutes a privileged attorney-client communication and a statement signed by the attorney and chair is attached. (ATTACHMENT-VIII)

1:04 p.m. Recessed.
1:18 p.m. Reconvened.

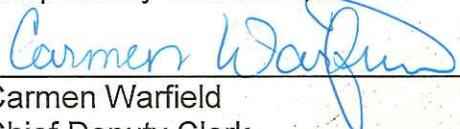
Board only discussed the items it stated in Executive Session.

13. Adjournment.
1:18 p.m.

Audio MP4 20160921-BOCC-Audio.

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Respectfully submitted,


Carmen Warfield
Chief Deputy Clerk

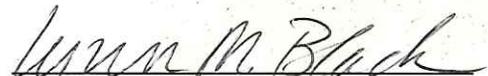
APPROVED October 5, 2016.

SAN MIGUEL COUNTY BOARD OF COMMISSIONERS


Joan May, Chair



ATTEST:


Lynn M. Black
County Administrator

ATTACHMENT

FOR CONSENT AGENDA SEPTEMBER 21ST 2016

APPROVAL OF AUGUST PAYROLLS &
AUGUST 2016 VENDOR PAYMENTSCHECKS ISSUED AUGUST 1ST THRU AUGUST 31ST 2016
FROM FUND/DISTRICT AS FOLLOWS:

FUND	PAYROLL	SPECIAL REQUEST VENDOR
GENERAL FUND - 101	\$575,166.97	\$168,657.06
ROAD & BRIDGE FUND - 102	\$184,510.76	\$203,869.28
SOCIAL SERVICES FUND - 103	\$29,466.45	\$0.00
SALES TAX CAPITAL FUND - 104	\$0.00	\$773.18
CAPITAL EXPENDITURES - 106	\$0.00	\$21,322.11
RETIREMENT FUND -107	\$36,988.93	\$0.00
PARKS/OPEN SPACE - 108	\$51,977.17	\$19,940.22
CONSERVATION TRUST FUND - 109	\$0.00	\$0.00
LODGING TAX - 110	\$0.00	\$60,742.28
VEGETATION MANAGEMENT - 111	\$3,595.35	\$28,355.76
PUBLIC HEALTH & ENVIRONMNT - 115	\$33,388.86	\$12,952.49
ENERGY FUND - 116	\$0.00	\$0.00
HOUSING AUTHORITY - 224	\$0.00	\$0.00
DISPOSAL DISTRICT - 226	\$0.00	\$10,439.21
TOTALS	\$915,094.49	\$527,051.59

DEPARTMENT OF SOCIAL SERVICES

ATTACHMENT II

SAN MIGUEL COUNTY
PO BOX 96
TELLURIDE, CO 81435
phone (970) 728-4411
fax (970) 728-4412

I, Carol Friedrich, Director of Social Services of San Miguel County, Colorado, hereby present the attached financial reports:

Balance Sheet, June 2016
Earned Revenue and Expenditures, June 2016
Expenditures through Electronic Benefit Transfers, July 2016
Check Register for the Month of July 2016
County Allocation / MOE Report, JUNE-16

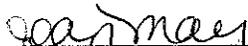
2016 Caseload Report

and certify that detailed, additional financial reports are available for inspection.



Carol Friedrich, September 21, 2016

I, Joan May, Chair of San Miguel County Board of Commissioners, hereby certify that the payments that are listed and set forth on the attached reports have been approved, and the payments issued from the Social Services fund.



Chair, September 21, 2016

PETITION FOR ABATEMENT OR REFUND OF TAXES

ATTACHMENT III

County: San Miguel

Date Received _____
(Use Assessor's or Commissioners' Date Stamp)

RECEIVED JUN 15 2016

Section I: Petitioner, please complete Section I only.

Date: 6/10/2016
Month Day Year

2016-23

Petitioner's Name: Steinberg Joseph S and Diane H JT Duff & Phelps
Petitioner's Mailing Address: 1200 17th St. Suite 990
Denver CO 80202
City or Town State Zip Code

SCHEDULE OR PARCEL NUMBER(S)	PROPERTY ADDRESS OR LEGAL DESCRIPTION OF PROPERTY
R1010000194 <u>2016-25</u>	LOT 13 BOULDER VILLAGE SUB
R1010000193 <u>2016-24</u>	LOT 12 BOULDER VILLAGE SUB
R1010000192 <u>2016-23</u>	LOT 11 BOULDER VILLAGE SUB

*

Petitioner requests an abatement or refund of the appropriate taxes and states that the taxes assessed against the above property for property tax year(s) 2014 and 2015 are incorrect for the following reasons: (Briefly describe why the taxes have been levied erroneously or illegally, whether due to erroneous valuation, irregularity in levying, clerical error or overvaluation. Attach additional sheets if necessary.)
The attached 2014/2015 sales comparison approaches supports a lower valuation for the appealed parcels.

Petitioner's estimate of value: \$28,300 (2014) and \$55,000 (2015)
Value Year Value Year

I declare, under penalty of perjury in the second degree, that this petition, together with any accompanying exhibits or statements, has been prepared or examined by me, and to the best of my knowledge, information and belief, is true, correct, and complete.

Petitioner's Signature _____ Daytime Phone Number (____) _____
By [Signature] Daytime Phone Number (303) 749.9033
Agent's Signature*

*Letter of agency must be attached when petition is submitted by an agent.

If the Board of County Commissioners, pursuant to § 39-10-114(1), C.R.S., or the Property Tax Administrator, pursuant to § 39-2-116, C.R.S., denies the petition for refund or abatement of taxes in whole or in part, the Petitioner may appeal to the Board of Assessment Appeals pursuant to the provisions of § 39-2-125, C.R.S., within thirty days of the entry of any such decision, § 39-10-114.5(1), C.R.S.

Section II: Assessor's Recommendation
(For Assessor's Use Only)

	Tax Year <u>2014</u>			Tax Year <u>2015</u>		
	Actual	Assessed	Tax	Actual	Assessed	Tax
Original	<u>875,000</u>	<u>253,750</u>	<u>\$9,385.71</u>	<u>805,000</u>	<u>233,450</u>	<u>\$8,362.19</u>
Corrected	<u>528,300</u>	<u>153,210</u>	<u>\$5,666.93</u>	<u>555,000</u>	<u>160,950</u>	<u>\$5,765.23</u>
Abate/Refund	<u>446,700</u>	<u>100,540</u>	<u>\$3,718.78</u>	<u>250,000</u>	<u>72,500</u>	<u>\$2,596.96</u>

Assessor recommends approval as outlined above.

If the request for abatement is based upon the grounds of overvaluation, no abatement or refund of taxes shall be made if an objection or protest to such valuation has been filed and a Notice of Determination has been mailed to the taxpayer, § 39-10-114(1)(a)(i)(D), C.R.S.

Tax year: 2014 Protest? No Yes (If a protest was filed, please attach a copy of the NOD.)
Tax year: 2015 Protest? No Yes (If a protest was filed, please attach a copy of the NOD.)

Assessor recommends denial for the following reason(s):

[Signature]
Assessor's or Deputy Assessor's Signature

PETITION FOR ABATEMENT OR REFUND OF TAXES

County: San Miguel

Date Received 6-15-16
(Use Assessor's or Commissioners' Date Stamp)

Section I: Petitioner, please complete Section I only.

2016-24

Date: 6-10-2016
Month Day Year

Petitioner's Name: Steinberg, Joseph S + Diane H JT % Duff + Phelps

Petitioner's Mailing Address: 1200 J 17th St Suite 990
Denver CO 80202
City or Town State Zip Code

SCHEDULE OR PARCEL NUMBER(S)
1010000193

PROPERTY ADDRESS OR LEGAL DESCRIPTION OF PROPERTY
Lot 12 Boulder Village Sub

Petitioner requests an abatement or refund of the appropriate taxes and states that the taxes assessed against the above property for property tax year(s) _____ and _____ are incorrect for the following reasons: (Briefly describe why the taxes have been levied erroneously or illegally, whether due to erroneous valuation, irregularity in levying, clerical error or overvaluation. Attach additional sheets if necessary.)

Petitioner's estimate of value: \$ 529,400 (2014) and \$ 556,000 (2015)
Value Year Value Year

I declare, under penalty of perjury in the second degree, that this petition, together with any accompanying exhibits or statements, has been prepared or examined by me, and to the best of my knowledge, information and belief, is true, correct, and complete.

Petitioner's Signature Daytime Phone Number () _____
Email _____
By _____
Agent's Signature* Daytime Phone Number () _____
Email _____

*Letter of agency must be attached when petition is submitted by an agent.

If the Board of County Commissioners, pursuant to § 39-10-114(1), C.R.S., or the Property Tax Administrator, pursuant to § 39-2-116, C.R.S., denies the petition for refund or abatement of taxes in whole or in part, the Petitioner may appeal to the Board of Assessment Appeals pursuant to the provisions of § 39-2-125, C.R.S., within thirty days of the entry of any such decision, § 39-10-114.5(1), C.R.S.

Section II: Assessor's Recommendation (For Assessor's Use Only)						
	Tax Year <u>2014</u>			Tax Year <u>2015</u>		
	Actual	Assessed	Tax	Actual	Assessed	Tax
Original	<u>875,000</u>	<u>253,750</u>	<u>\$9,385.71</u>	<u>805,000</u>	<u>233,450</u>	<u>\$8,362.19</u>
Corrected	<u>529,400</u>	<u>153,530</u>	<u>\$5,678.76</u>	<u>556,000</u>	<u>161,240</u>	<u>\$5,775.62</u>
Abate/Refund	<u>345,600</u>	<u>100,220</u>	<u>\$3,706.95</u>	<u>249,000</u>	<u>72,210</u>	<u>\$2,586.57</u>

Assessor recommends approval as outlined above.

If the request for abatement is based upon the grounds of overvaluation, no abatement or refund of taxes shall be made if an objection or protest to such valuation has been filed and a Notice of Determination has been mailed to the taxpayer, § 39-10-114(1)(a)(i)(D), C.R.S.

Tax year: 2014 Protest? No Yes (If a protest was filed, please attach a copy of the NOD.)
 Tax year: 2015 Protest? No Yes (If a protest was filed, please attach a copy of the NOD.)

Assessor recommends denial for the following reason(s):

Peggy Kanter
Assessor's or Deputy Assessor's Signature

PETITION FOR ABATEMENT OR REFUND OF TAXES

County: San Miguel

Date Received: 6/15/16
(Use Assessor's or Commissioners' Date Stamp)

Section I: Petitioner, please complete Section I only.

2016-25

Date: 6-10-2016
Month Day Year

Petitioner's Name: Steinberg, Joseph S & Diane H JT % Duff & Phelps

Petitioner's Mailing Address: 1200 17th St Suite 990
Denver CO 80202
City or Town State Zip Code

SCHEDULE OR PARCEL NUMBER(S) 1010000194
PROPERTY ADDRESS OR LEGAL DESCRIPTION OF PROPERTY Lot 13 Boulder Village Sub

Petitioner requests an abatement or refund of the appropriate taxes and states that the taxes assessed against the above property for property tax year(s) _____ and _____ are incorrect for the following reasons: (Briefly describe why the taxes have been levied erroneously or illegally, whether due to erroneous valuation, irregularity in levying, clerical error or overvaluation. Attach additional sheets if necessary.)

Petitioner's estimate of value: \$680,300 (2014) and \$715,000 (2015)
Value Year Value Year

I declare, under penalty of perjury in the second degree, that this petition, together with any accompanying exhibits or statements, has been prepared or examined by me, and to the best of my knowledge, information and belief, is true, correct, and complete.

Petitioner's Signature Daytime Phone Number (_____) _____
Email _____
By _____
Agent's Signature* Daytime Phone Number (_____) _____
Email _____

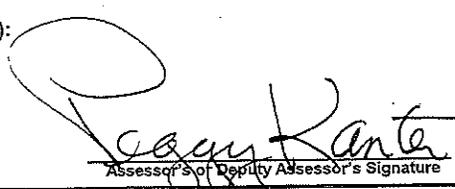
*Letter of agency must be attached when petition is submitted by an agent.
If the Board of County Commissioners, pursuant to § 39-10-114(1), C.R.S., or the Property Tax Administrator, pursuant to § 39-2-116, C.R.S., denies the petition for refund or abatement of taxes in whole or in part, the Petitioner may appeal to the Board of Assessment Appeals pursuant to the provisions of § 39-2-125, C.R.S., within thirty days of the entry of any such decision, § 39-10-114.5(1), C.R.S.

Section II:		Assessor's Recommendation (For Assessor's Use Only)					
		Tax Year <u>2014</u>			Tax Year <u>2015</u>		
		Actual	Assessed	Tax	Actual	Assessed	Tax
Original		<u>945,000</u>	<u>274,050</u>	<u>\$10,136.56</u>	<u>945,000</u>	<u>274,050</u>	<u>\$9,816.48</u>
Corrected		<u>680,300</u>	<u>197,290</u>	<u>\$7,297.36</u>	<u>715,000</u>	<u>207,350</u>	<u>\$7,427.27</u>
Abate/Refund		<u>264,700</u>	<u>76,760</u>	<u>\$2,839.20</u>	<u>230,000</u>	<u>66,700</u>	<u>\$2,389.21</u>

Assessor recommends approval as outlined above.

If the request for abatement is based upon the grounds of overvaluation, no abatement or refund of taxes shall be made if an objection or protest to such valuation has been filed and a Notice of Determination has been mailed to the taxpayer, § 39-10-114(1)(a)(I)(D), C.R.S.

Tax year: 2014 Protest? No Yes (If a protest was filed, please attach a copy of the NOD.)
 Tax year: 2015 Protest? No Yes (If a protest was filed, please attach a copy of the NOD.)

Assessor recommends denial for the following reason(s):

 Assessor's or Deputy Assessor's Signature

FOR ASSESSORS AND COUNTY COMMISSIONERS USE ONLY
(Section III or Section IV must be completed)

Every petition for abatement or refund filed pursuant to § 39-10-114, C.R.S. shall be acted upon pursuant to the provisions of this section by the Board of County Commissioners or the Assessor, as appropriate, within six months of the date of filing such petition, § 39-1-113(1.7), C.R.S.

Section III: Written Mutual Agreement of Assessor and Petitioner
(Only for abatements up to \$10,000)

The Commissioners of _____ County authorize the Assessor by Resolution No. _____ to review petitions for abatement or refund and to settle by written mutual agreement any such petition for abatement or refund in an amount of \$10,000 or less per tract, parcel, or lot of land or per schedule of personal property, in accordance with § 39-1-113(1.5), C.R.S.

The Assessor and Petitioner mutually agree to the values and tax abatement/refund of:

	Tax Year _____			Tax Year _____		
	Actual	Assessed	Tax	Actual	Assessed	Tax
Original	_____	_____	_____	_____	_____	_____
Corrected	_____	_____	_____	_____	_____	_____
Abate/Refund	_____	_____	_____	_____	_____	_____

Note: The total tax amount does not include accrued interest, penalties, and fees associated with late and/or delinquent tax payments, if applicable. Please contact the County Treasurer for full payment information.

Petitioner's Signature Date

Assessor's or Deputy Assessor's Signature Date

Section IV: Decision of the County Commissioners
(Must be completed if Section III does not apply)

WHEREAS, the County Commissioners of San Miguel County, State of Colorado, at a duly and lawfully called regular meeting held on 9 17 2016 at which meeting there were present the following members:
Burt Goodtimes, Amy Levek, Joan May

With notice of such meeting and an opportunity to be present having been given to the Petitioner and the Assessor of said County and Assessor Peggy Karter (~~being present--not present~~) and Petitioner Steinberg (~~being present--not present~~), and WHEREAS, the said County Commissioners have carefully considered the within petition, and are fully advised in relation thereto, NOW BE IT RESOLVED, that the Board (~~agrees--does not agree~~) with the recommendation of the Assessor and the petition be (~~approved--approved in part--denied~~) with an abatement/refund as follows:

Year	Assessed Value	Taxes Abate/Refund	Year	Assessed Value	Taxes Abate/Refund
<u>2014</u>	<u>274050</u>	<u>0</u>	<u>2015</u>	<u>274050</u>	<u>0</u>

Joan May
Chairperson of the Board of County Commissioners' Signature

Carmen Warfield
County Clerk and Ex-officio Clerk of the Board of County Commissioners
in and for the aforementioned county, do hereby certify that the above and foregoing order is truly copied from the record of the proceedings of the Board of County Commissioners.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County:
this 21 day of Sept., 2016
Month Year

Carmen Warfield
County Clerk's or Deputy County Clerk's Signature

Note: Abatements greater than \$10,000 per schedule, per year, must be submitted in duplicate to the Property Tax Administrator for review.

Section V: Action of the Property Tax Administrator
(For all abatements greater than \$10,000)

The action of the Board of County Commissioners, relative to this abatement petition, is hereby

Approved Approved in part \$ _____ Denied for the following reason(s): _____

Secretary's Signature

Property Tax Administrator's Signature

Date

PETITION FOR ABATEMENT OR REFUND OF TAXES

County: San Miguel

Date Received _____
(Use Assessor's or Commissioners' Date Stamp)

Section I: Petitioner, please complete Section I only.

2016-8

Date: 03/1/2016
Month Day Year

RECEIVED APR - 1 2016

Petitioner's Name: KARWICK BERNARD J AND NANCY C JT C/O Duff & Phelps

Petitioner's Mailing Address: 1200 17th St. Suite 990

Denver CO 80202
City or Town State Zip Code

SCHEDULE OR PARCEL NUMBER(S)	PROPERTY ADDRESS OR LEGAL DESCRIPTION OF PROPERTY
R1080097169	LOT GH 4 THE CABINS AT GOLD HILL FILING 31
	TELLURIDE MOUNTAIN VILLAGE ACC TO FINAL AMENDMENT
	REC 4 16 97 BK 1 PG 2228 CONT .20 AC

Petitioner requests an abatement or refund of the appropriate taxes and states that the taxes assessed against the above property for property tax year(s) 2014 and 2015 are incorrect for the following reasons: (Briefly describe why the taxes have been levied erroneously or illegally, whether due to erroneous valuation, irregularity in levying, clerical error or overvaluation. Attach additional sheets if necessary.)

The subject property is a contiguous parcel of land associated with account (R1080097168) under the common ownership entity Karwick Bernard J and Nancy C JT. Pursuant to 30-1-102 C.R.S (14.4) (a) "Residential land" means a parcel or contiguous parcels of land under common ownership upon which residential improvements are located and that is used as a unit in conjunction with the residential improvements located thereon. Therefore, Duff & Phelps hereby request that the subject property be classified as a residential instead of commercial.

Petitioner's estimate of value: \$ 175,000 (2014) and \$ 185,000 (2015)
Value Year Value Year

I declare, under penalty of perjury in the second degree, that this petition, together with any accompanying exhibits or statements, has been prepared or examined by me, and to the best of my knowledge, information and belief, is true, correct, and complete.

Petitioner's Signature Daytime Phone Number (_____) _____
By *Kevin Stuard* Daytime Phone Number (303) 749.9033
Agent's Signature*

*Letter of agency must be attached when petition is submitted by an agent.

If the Board of County Commissioners, pursuant to § 39-10-114(1), C.R.S., or the Property Tax Administrator, pursuant to § 39-2-116, C.R.S., denies the petition for refund or abatement of taxes in whole or in part, the Petitioner may appeal to the Board of Assessment Appeals pursuant to the provisions of § 39-2-125, C.R.S., within thirty days of the entry of any such decision, § 39-10-114.5(1), C.R.S.

Section II: Assessor's Recommendation (For Assessor's Use Only)						
	Tax Year <u>2014</u>			Tax Year <u>2015</u>		
	Actual	Assessed	Tax	Actual	Assessed	Tax
Original	<u>175,000</u>	<u>50,750</u>	<u>\$ 2,939.54</u>	<u>185,000</u>	<u>53,650</u>	<u>\$ 2,999.24</u>
Corrected	<u>175,000</u>	<u>13,930</u>	<u>\$ 806.85</u>	<u>185,000</u>	<u>14,730</u>	<u>\$ 823.46</u>
Abate/Refund	<u>0</u>	<u>36,820</u>	<u>\$ 2,132.69</u>	<u>0</u>	<u>38,920</u>	<u>\$ 2,175.78</u>

Assessor recommends approval as outlined above.

If the request for abatement is based upon the grounds of overvaluation, no abatement or refund of taxes shall be made if an objection or protest to such valuation has been filed and a Notice of Determination has been mailed to the taxpayer, § 39-10-114(1)(a)(I)(D), C.R.S.

Tax year: 2014 Protest? No Yes (If a protest was filed, please attach a copy of the NOD.)
 Tax year: 2015 Protest? No Yes (If a protest was filed, please attach a copy of the NOD.)

Assessor recommends denial for the following reason(s):
The petition does not meet the necessary and essential criteria to be classified as contiguous property owner has never requested contiguous classification, or protested for improper

Deann Kanta
Assessor or Deputy Assessor's Signature

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF SAN MIGUEL COUNTY, COLORADO, AUTHORIZING THE CHAIR OF THE BOARD
TO EXECUTE ALL CLOSING DOCUMENTS REQUIRED TO EFFECT THE
ACQUISITION OF REAL PROPERTY FROM PATHFINDER DEVELOPMENT INC. OF A
PARCEL OF REAL PROPERTY KNOWN AS THE PATHFINDER GRAVEL PIT
LOCATED AT 3795 COLORADO STATE HWY. 145, TELLURIDE, COLORADO AND
ASSOCIATED WATER RIGHTS**

Resolution No. 2016 - 20

WHEREAS, the Board of County Commissioners of San Miguel County (the "BOCC") desires to acquire the following described real estate, including associated water rights (the "Property"), in accordance with the terms and conditions of the agreement between San Miguel County, Colorado (Buyer) and Pathfinder Development Inc. (Seller), dated July 7, 2016:

See Schedule A to ALTA Commitment for the parcel of real property with the street address of 3795 Colorado State Highway 145, Telluride, CO, 81435, dated 07-14-2016, a copy of which is attached hereto and incorporated herein by reference as Exhibit "A" and including all water rights granted in Colorado Water Division No. 4, Case No. 10CW29 (C/R 01CW244) by Decree entered on July 19, 2010 and all rights of Seller in the Clara Gulch water right: and

WHEREAS, the BOCC hereby states that there are sufficient funds legally available and appropriated in the duly adopted San Miguel County Budget for 2016 to purchase the Property for the consideration of \$500,000 as cash due at closing, less buyer's Earnest Money payment of \$50,000, plus applicable buyer's closing costs.

WHEREAS, pursuant to section 30-11-101 (1) (b), C.R.S., the BOCC, on behalf of San Miguel County, has the legal authority to purchase and hold real property.

WHEREAS, the BOCC finds it appropriate to designate the Chair or Chair Pro-tem as the individuals authorized to execute any documents required to effect the acquisition of the Property.

NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners of San Miguel County, Colorado has funds legally available and appropriated to purchase the Property and hereby authorizes the Chair or the Chair Pro-tem to execute any and all documents related to the acquisition of the Property, the closing for which is currently scheduled for October 5, 2016.

DONE AND APPROVED by the San Miguel County Board of County Commissioners at a duly noticed public meeting held in Telluride, Colorado on September 21, 2016.

**BOARD OF COUNTY COMMISSIONERS
SAN MIGUEL COUNTY, COLORADO**

By: _____

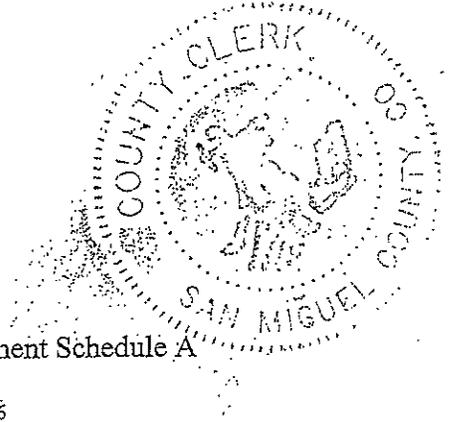
Jean May
Jean May, Chair

ATTEST:

Amy Levek	<input checked="" type="radio"/> Aye	Nay	Abstain	Absent
Art Goodtimes	<input checked="" type="radio"/> Aye	Nay	Abstain	Absent
Joan May	<input checked="" type="radio"/> Aye	Nay	Abstain	Absent

Carmen G. Waup

Chief Deputy Clerk to the Board



Attachment: Pathfinder Property Legal Description – ALTA Commitment Schedule A

COUNTYOWNEDPROPERTYBOCCResoAuthorizingPathfinderGravelPitWaterRightsPurchase091216

ALTA COMMITMENT
Old Republic National Title Insurance Company
Schedule A

Order Number: ABS86006040

Customer Ref-Loan No.:

Property Address:

(VACANT) 3795 HIGHWAY 145, TELLURIDE, CO 81435

1. Effective Date:

07-14-2016 At 5:00 P.M.

2. Policy to be Issued and Proposed Insured:

"ALTA" Owner's Policy 06-17-06 \$500,000.00
 Proposed Insured:
 SAN MIGUEL COUNTY

3. The estate or interest in the land described or referred to in this Commitment and covered herein is:

A FEE SIMPLE

4. Title to the estate or interest covered herein is at the effective date hereof vested in:

PATHFINDER DEVELOPMENT, INC., A COLORADO CORPORATION

5. The Land referred to in this Commitment is described as follows:

THOSE PORTIONS OF THE FOLLOWING FEDERAL TRACTS AND PATENTED MINING CLAIMS LOCATED IN THE IRON SPRINGS MINING DISTRICT, SAN MIGUEL COUNTY, COLORADO, LYING WESTERLY OF COLORADO STATE HIGHWAY 145 AS DESCRIBED IN INSTRUMENT RECORDED FEBRUARY 3, 1958 IN BOOK 270 AT PAGE 145 AND LYING WESTERLY OF PATHFINDER DEVELOPMENT ACCORDING TO THE PLAT RECORDED JANUARY 9, 1992 IN PLAT BOOK 1 AT PAGE 1232; AS AMENDED BY FIRST AMENDMENT RECORDED JULY 26, 1993 IN PLAT BOOK 1 AT PAGE 1513, AS AMENDED BY SECOND AMENDMENT RECORDED FEBRUARY 3, 1994 IN PLAT BOOK 1 AT PAGE 1636; BALM OF GILEAD, MINERAL SURVEY #12416; ACCORDING TO THE PATENT RECORDED JANUARY 29, 1904 IN BOOK 68 AT PAGE 122; BUCKEYE, MINERAL SURVEY # 6019, ACCORDING TO THE PATENT RECORDED AUGUST 6, 1890 IN BOOK 68 AT PAGE 60; IDA NO. 2, MINERAL SURVEY #12342, ACCORDING TO THE PATENT RECORDED NOVEMBER 18, 1899 IN BOOK 68 AT PAGE 49; ROBERT N. STEELE, MINERAL SURVEY #20027; MEDORE, MINERAL SURVEY #20027; ROBERT PEARY, MINERAL SURVEY #20027, ACCORDING TO THE PATENT RECORDED OCTOBER 20, 1927 IN BOOK 133 OF PAGE 425; TRACT #1 AS DESCRIBED IN DEED RECORDED NOVEMBER 15, 1990 IN BOOK 472 AT PAGE 199, AND ALSO SHOWN AS PARCEL #2, S.T.A. 0406 ACCORDING TO THE PLAT RECORDED NOVEMBER 15, 1990 IN SURVEY PLAT BOOK S1 AT PAGE 46; AND TRACT #2 AS DESCRIBED IN DEED RECORDED NOVEMBER 15, 1990 IN BOOK 472 AT PAGE 199, AND ALSO SHOWN AS PARCEL #3, S.T.A. 0406 ACCORDING TO THE PLAT RECORDED NOVEMBER 15, 1990 IN SURVEY PLAT BOOK S1 AT PAGE 47; OF THE RECORDS OF THE CLERK AND RECORDER OF SAN MIGUEL COUNTY, COLORADO, FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 1 OF SAID PATHFINDER DEVELOPMENT, BEING A #5 REBAR WITH A 1 1/2 INCH ALUMINUM CAP, MARKED "LS 24954"; THENCE SOUTH 73 DEGREES 27 MINUTES 05 SECONDS WEST, 893.93 FEET ALONG LINE 9-10 OF SAID PARCEL #3, S.T.A. 0406 TO AP9 OF SAID PARCEL #3, S.T.A. 0406 BEING A 3 1/4 INCH ALUMINUM CAP ON

ALTA COMMITMENT
Old Republic National Title Insurance Company
Schedule A

Order Number: ABS86006040

Customer Ref-Loan No.:

A 3/4 INCH ALUMINUM ROD MARKED "USFS LS 15710"; THENCE SOUTH 17 DEGREES 50 MINUTES 40 SECONDS EAST, 529.54 FEET TO AP8 OF SAID PARCEL #3, S.T.A. 0406 BEING A 3 1/4 INCH ALUMINUM CAP ON A 3/4 INCH ALUMINUM ROD MARKED "USFS LS 15710";
 THENCE SOUTH 73 DEGREES 29 MINUTES 34 SECONDS WEST, 379.32 FEET TO AP7 OF SAID PARCEL #3, S.T.A. 0406, SAID POINT BEING WITNESSED BY A 3 1/4 INCH ALUMINUM CAP ON A 3/4 INCH ALUMINUM ROD MARKED "USFS LS 15710" AT SOUTH 15 DEGREES 32 MINUTES 14 SECONDS EAST, 75.13 FEET;
 THENCE NORTH 15 DEGREES 32 MINUTES 14 SECONDS WEST, 437.79 FEET TO AP6 OF SAID PARCEL #3, S.T.A. 0406 BEING A 3 1/4 INCH ALUMINUM CAP ON A 3/4 INCH ALUMINUM ROD "USFS LS 15710";
 THENCE NORTH 11 DEGREES 53 MINUTES 13 SECONDS EAST, 711.75 FEET TO AP5 OF SAID PARCEL #3, S.T.A. 0406 BEING A 3 1/4 INCH ALUMINUM CAP ON A 3/4 INCH ALUMINUM ROD MARKED "USFS LS 15710";
 THENCE SOUTH 71 DEGREES 36 MINUTES 05 SECONDS WEST, 51.24 FEET TO AP4 OF SAID PARCEL #3, S.T.A. 0406 BEING A 3 1/4 INCH ALUMINUM CAP ON A 3/4 INCH ALUMINUM ROD MARKED "USFS LS 15710";
 THENCE NORTH 17 DEGREES 37 MINUTES 18 SECONDS WEST, 173.46 FEET TO AP3 OF SAID PARCEL #3, S.T.A. 0406 AND CORNER 2 OF SAID MEDORE LODGE M.S. 20027, BEING A 3 1/4 INCH ALUMINUM CAP ON A 3/4 INCH ALUMINUM ROD MARKED "USFS LS 15710"; THENCE NORTH 17 DEGREES 29 MINUTES 05 SECONDS WEST, 544.21 FEET TO CORNER #3 OF SAID MEDORE LODGE M.S. 20027 AND AP5 OF SAID PARCEL #2 S.T.A. 0406, SAID POINT BEING WITNESSED BY A 1 1/2 INCH ALUMINUM CAP MARKED "USFS LS 15710" AT NORTH 87 DEGREES 19 MINUTES 31 SECONDS EAST, 166.30 FEET;
 THENCE NORTH 04 DEGREES 42 MINUTES 34 SECONDS EAST, 1027.01 FEET TO AP4 OF SAID PARCEL #2 S.T.A. 0406 AND AP6 OF SAID IDA NO. 2 M.S. 12342, BEING A 3 1/4 INCH ALUMINUM CAP ON A 2 1/2 INCH ALUMINUM PIPE MARKED "LS 24954";
 THENCE NORTH 20 DEGREES 00 MINUTES 42 SECONDS EAST, 255.79 FEET TO A POINT ON LINE 3-4 OF SAID IDA NO. 2 M.S. 12342, BEING A NO. 5 REBAR WITH A 1 1/2 INCH ALUMINUM CAP MARKED "LS 37903";
 THENCE SOUTH 75 DEGREES 02 MINUTES 40 SECONDS EAST, 331.50 FEET TO CORNER 7 OF SAID BUCKEYE M.S. 6019, BEING A 1/4 INCH ALUMINUM CAP ON A 2 1/2 INCH ALUMINUM PIPE MARKED "LS 24954";
 THENCE NORTH 20 DEGREES 00 MINUTES 17 SECONDS EAST, 300.22 FEET TO CORNER 6 OF SAID BUCKEYE M.S. 6019, BEING A 3 1/4 INCH ALUMINUM CAP ON A 2 1/2 INCH ALUMINUM PIPE MARKED "LS 24954";
 THENCE NORTH 75 DEGREES 04 MINUTES 53 SECONDS WEST, 331.60 FEET TO CORNER 1 OF SAID BALM OF GILEAD M.S. 12416, SAID POINT BEING WITNESSED BY A 3 1/4 INCH ALUMINUM CAP ON A 2 1/2 INCH ALUMINUM PIPE MARKED "LS 24954" AT SOUTH 20 DEGREES 03 MINUTES 09 SECONDS WEST, 77.00 FEET;
 THENCE NORTH 20 DEGREES 03 MINUTES 09 SECONDS EAST, 299.99 FEET TO CORNER 4 OF SAID BALM OF GILEAD M.S. 12416, BEING A 3 1/4 INCH ALUMINUM CAP ON A 2 1/2 INCH ALUMINUM PIPE MARKED "LS 24954";
 THENCE SOUTH 75 DEGREES 04 MINUTES 32 SECONDS EAST, 774.71 FEET TO A NO. 5 REBAR WITH A 1 1/2 INCH ALUMINUM CAP MARKED "LS 37903" AT THE INTERSECTION OF LINE 3-4 OF SAID BALM OF GILEAD M.S. 12416 AND THE WESTERLY RIGHT-OF-WAY OF SAID STATE HIGHWAY 145;
 THENCE SOUTH 25 DEGREES 29 MINUTES 33 SECONDS WEST, 520.22 FEET ALONG THE WESTERLY RIGHT-OF-WAY OF SAID STATE HIGHWAY 145 TO A NO. 5 REBAR WITH A 1 1/2 INCH ALUMINUM CAP MARKED "LS 37903";
 THENCE SOUTH 26 DEGREES 12 MINUTES 59 SECONDS WEST, 147.60 FEET ALONG THE WESTERLY RIGHT-OF-WAY OF SAID STATE HIGHWAY 145 TO A NO. 5 REBAR WITH A 1 1/2 INCH ALUMINUM CAP MARKED "LS 37903";
 THENCE 154.09 FEET ALONG A NON-TANGENTIAL CURVE CONCAVE TO THE WEST WITH A RADIUS OF 1849.86 FEET, A DELTA ANGLE OF 04 DEGREES 46 MINUTES 22 SECONDS, A CHORD BEARING OF SOUTH 30 DEGREES 05 MINUTES 27 SECONDS WEST FOR A CHORD DISTANCE OF 154.05 FEET

ALTA COMMITMENT
Old Republic National Title Insurance Company
Schedule A

Order Number: ABS86006040

Customer Ref-Loan No.:

ALONG THE WESTERLY RIGHT-OF-WAY OF SAID STATE HIGHWAY 145 TO A NO. 5 REBAR WITH A 1 1/2 INCH ALUMINUM CAP MARKED "LS 37903";
 THENCE SOUTH 33 DEGREES 57 MINUTES 22 SECONDS WEST, 51.01 FEET ALONG THE WESTERLY RIGHT-OF-WAY OF SAID STATE HIGHWAY 145 TO A POINT BEING WITNESSED BY A NO. 5 REBAR WITH A 1 1/2 INCH ALUMINUM COP MARKED "LS 37903" AT NORTH 33 DEGREES 58 MINUTES 36 SECONDS EAST, 9.00 FEET;
 THENCE SOUTH 39 DEGREES 50 MINUTES 30 SECONDS WEST, 150.79 FEET ALONG THE WESTERN BOUNDARY OF SAID PATHFINDER DEVELOPMENT TO A NO. 5 REBAR WITH A 1 1/2 INCH ALUMINUM CAP MARKED "LS 24954";
 THENCE SOUTH 27 DEGREES 52 MINUTES 09 SECONDS WEST, 182.37 FEET ALONG THE WESTERN BOUNDARY OF SAID PATHFINDER DEVELOPMENT TO A NO. 5 REBAR WITH A 1 1/2 INCH ALUMINUM CAP MARKED "LS 24954";
 THENCE SOUTH 08 DEGREES 03 MINUTES 24 SECONDS WEST, 123.81 FEET ALONG THE WESTERN BOUNDARY OF SAID PATHFINDER DEVELOPMENT TO A NO. 5 REBAR WITH A 1 1/2 INCH ALUMINUM CAP MARKED "LS 24954";
 THENCE SOUTH 19 DEGREES 59 MINUTES 46 SECONDS EAST, 129.26 FEET ALONG THE WESTERN BOUNDARY OF SAID PATHFINDER DEVELOPMENT TO A NO. 5 REBAR WITH A 1 1/2 INCH ALUMINUM CAP MARKED "LS 24954";
 THENCE SOUTH 29 DEGREES 37 MINUTES 26 SECONDS EAST, 317.39 FEET ALONG THE WESTERN BOUNDARY OF SAID PATHFINDER DEVELOPMENT TO A NO. 5 REBAR WITH A 1 1/2 INCH ALUMINUM CAP MARKED "LS 37903";
 THENCE SOUTH 35 DEGREES 06 MINUTES 46 SECONDS EAST, 344.30 FEET ALONG THE WESTERN BOUNDARY OF SAID PATHFINDER DEVELOPMENT TO A NO. 5 REBAR WITH A 1 1/2 INCH ALUMINUM CAP MARKED "LS 37903";
 THENCE SOUTH 71 DEGREES 03 MINUTES 29 SECONDS EAST, 101.04 FEET ALONG THE WESTERN BOUNDARY OF SAID PATHFINDER DEVELOPMENT TO A NO. 5 REBAR WITH A 1 1/2 INCH ALUMINUM CAP MARKED "LS 24954";
 THENCE SOUTH 24 DEGREES 21 MINUTES 17 SECONDS EAST, 536.86 FEET ALONG THE WESTERN BOUNDARY OF SAID PATHFINDER DEVELOPMENT TO A NO. 5 REBAR WITH A 1 1/2 INCH ALUMINUM CAP MARKED "LS 24954";
 THENCE SOUTH 15 DEGREES 03 MINUTES 16 SECONDS EAST, 176.09 FEET ALONG THE WESTERN BOUNDARY OF SAID PATHFINDER DEVELOPMENT TO THE POINT OF BEGINNING,

EXCEPTING THEREFROM LOT TFPD-1, SUBDIVISION EXEMPTION FOR ESSENTIAL COMMUNITY FACILITIES FOR THE TELLURIDE FIRE PROTECTION DISTRICT PARCEL, ACCORDING TO THE PLAT RECORDED DECEMBER 12, 2008 IN PLAT BOOK 1 AT PAGE 4033,

COUNTY OF SAN MIGUEL, STATE OF COLORADO.

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ALTA COMMITMENT
Old Republic National Title Insurance Company
Schedule A

Order Number: ABS86006040

Customer Ref-Loan No.:

ALONG THE WESTERLY RIGHT-OF-WAY OF SAID STATE HIGHWAY 145 TO A NO. 5 REBAR WITH A 1 1/2 INCH ALUMINUM CAP MARKED "LS 37903";
THENCE SOUTH 33 DEGREES 57 MINUTES 22 SECONDS WEST, 51.01 FEET ALONG THE WESTERLY RIGHT-OF-WAY OF SAID STATE HIGHWAY 145 TO A POINT BEING WITNESSED BY A NO. 5 REBAR WITH A 1 1/2 INCH ALUMINUM COP MARKED "LS 37903" AT NORTH 33 DEGREES 58 MINUTES 36 SECONDS EAST, 9.00 FEET;
THENCE SOUTH 39 DEGREES 50 MINUTES 30 SECONDS WEST, 150.79 FEET ALONG THE WESTERN BOUNDARY OF SAID PATHFINDER DEVELOPMENT TO A NO. 5 REBAR WITH A 1 1/2 INCH ALUMINUM CAP MARKED "LS 24954";
THENCE SOUTH 27 DEGREES 52 MINUTES 09 SECONDS WEST, 182.37 FEET ALONG THE WESTERN BOUNDARY OF SAID PATHFINDER DEVELOPMENT TO A NO. 5 REBAR WITH A 1 1/2 INCH ALUMINUM CAP MARKED "LS 24954";
THENCE SOUTH 08 DEGREES 03 MINUTES 24 SECONDS WEST, 123.81 FEET ALONG THE WESTERN BOUNDARY OF SAID PATHFINDER DEVELOPMENT TO A NO. 5 REBAR WITH A 1 1/2 INCH ALUMINUM CAP MARKED "LS 24954";
THENCE SOUTH 19 DEGREES 59 MINUTES 46 SECONDS EAST, 129.26 FEET ALONG THE WESTERN BOUNDARY OF SAID PATHFINDER DEVELOPMENT TO A NO. 5 REBAR WITH A 1 1/2 INCH ALUMINUM CAP MARKED "LS 24954";
THENCE SOUTH 29 DEGREES 37 MINUTES 26 SECONDS EAST, 317.39 FEET ALONG THE WESTERN BOUNDARY OF SAID PATHFINDER DEVELOPMENT TO A NO. 5 REBAR WITH A 1 1/2 INCH ALUMINUM CAP MARKED "LS 37903";
THENCE SOUTH 35 DEGREES 06 MINUTES 46 SECONDS EAST, 344.30 FEET ALONG THE WESTERN BOUNDARY OF SAID PATHFINDER DEVELOPMENT TO A NO. 5 REBAR WITH A 1 1/2 INCH ALUMINUM CAP MARKED "LS 37903";
THENCE SOUTH 71 DEGREES 03 MINUTES 29 SECONDS EAST, 101.04 FEET ALONG THE WESTERN BOUNDARY OF SAID PATHFINDER DEVELOPMENT TO A NO. 5 REBAR WITH A 1 1/2 INCH ALUMINUM CAP MARKED "LS 24954";
THENCE SOUTH 24 DEGREES 21 MINUTES 17 SECONDS EAST, 536.86 FEET ALONG THE WESTERN BOUNDARY OF SAID PATHFINDER DEVELOPMENT TO A NO. 5 REBAR WITH A 1 1/2 INCH ALUMINUM CAP MARKED "LS 24954";
THENCE SOUTH 15 DEGREES 03 MINUTES 16 SECONDS EAST, 176.09 FEET ALONG THE WESTERN BOUNDARY OF SAID PATHFINDER DEVELOPMENT TO THE POINT OF BEGINNING,

EXCEPTING THEREFROM LOT TFPD-1, SUBDIVISION EXEMPTION FOR ESSENTIAL COMMUNITY FACILITIES FOR THE TELLURIDE FIRE PROTECTION DISTRICT PARCEL, ACCORDING TO THE PLAT RECORDED DECEMBER 12, 2008 IN PLAT BOOK 1 AT PAGE 4033,

COUNTY OF SAN MIGUEL, STATE OF COLORADO.

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County: San Miguel

Date Received _____
(Use Assessor's or Commissioners' Date Stamp)

ATTACHMENT V

2016-11

Section I: Petitioner, please complete Section I only.

RECEIVED APR - 1 2016

Date: 03/2/2016
Month Day Year

Petitioner's Name: BUTLER JOHN E AND ALICE L JTWROS C/O Duff & Phelps

Petitioner's Mailing Address: 1200 17th St. Suite 990

Denver CO 80202
City or Town State Zip Code

SCHEDULE OR PARCEL NUMBER(S)	PROPERTY ADDRESS OR LEGAL DESCRIPTION OF PROPERTY
<u>R1080090896</u>	<u>LOT 89 3B TELLURIDE MOUNTAIN VILLAGE ACC TO PLAT BK 1</u>
	<u>PG 1066 REC AUG 7 1990</u>
	<u>CONT 0.493 ACRES</u>

Petitioner requests an abatement or refund of the appropriate taxes and states that the taxes assessed against the above property for property tax year(s) 2014 and 2015 are incorrect for the following reasons: (Briefly describe why the taxes have been levied erroneously or illegally, whether due to erroneous valuation, irregularity in levying, clerical error or overvaluation. Attach additional sheets if necessary.)

The subject property is a contiguous parcel of land associated with account (R1080090897) under the common ownership entity Butler John E and Alice L JTWROS. Pursuant to 30-1-102 C.R.S (14.4) (a) "Residential land" means a parcel or contiguous parcels of land under common ownership upon which residential improvements are located and that is used as a unit in conjunction with the residential improvements located thereon. Therefore, Duff & Phelps hereby request that the subject property be classified as a residential instead of commercial.

Petitioner's estimate of value: \$1,050,000 (2014) and \$1,050,000 (2015)
Value Year Value Year

I declare, under penalty of perjury in the second degree, that this petition, together with any accompanying exhibits or statements, has been prepared or examined by me, and to the best of my knowledge, information and belief, is true, correct, and complete.

Petitioner's Signature Daytime Phone Number () _____

By *Kanis Stewart* Daytime Phone Number (303) 749.9033
Agent's Signature*

*Letter of agency must be attached when petition is submitted by an agent.

If the Board of County Commissioners, pursuant to § 39-10-114(1), C.R.S., or the Property Tax Administrator, pursuant to § 39-2-116, C.R.S., denies the petition for refund or abatement of taxes in whole or in part, the Petitioner may appeal to the Board of Assessment Appeals pursuant to the provisions of § 39-2-125, C.R.S., within thirty days of the entry of any such decision, § 39-10-114.5(1), C.R.S.

Section II: Assessor's Recommendation
(For Assessor's Use Only)

	Tax Year <u>2014</u>			Tax Year <u>2015</u>		
	Actual	Assessed	Tax	Actual	Assessed	Tax
Original	<u>1,050,000</u>	<u>304,500</u>	<u>\$17,637.25</u>	<u>1,050,000</u>	<u>304,500</u>	<u>\$17,022.80</u>
Corrected	<u>1,050,000</u>	<u>83,580</u>	<u>\$4,841.12</u>	<u>1,050,000</u>	<u>83,580</u>	<u>\$4,672.45</u>
Abate/Refund	<u>0</u>	<u>220,920</u>	<u>12,796.13</u>	<u>0</u>	<u>220,920</u>	<u>12,350.35</u>

Assessor recommends approval as outlined above.

If the request for abatement is based upon the grounds of overvaluation, no abatement or refund of taxes shall be made if an objection or protest to such valuation has been filed and a Notice of Determination has been mailed to the taxpayer, § 39-10-114(1)(a)(I)(D), C.R.S.

Tax year: 2014 Protest? No Yes (If a protest was filed, please attach a copy of the NOD.)

Tax year: 2015 Protest? No Yes (If a protest was filed, please attach a copy of the NOD.)

Assessor recommends denial for the following reason(s):
Does not meet the necessary and essential criteria to be classified as contiguous property

Regan Kanta
Assessor's or Deputy Assessor's Signature

(Section III or Section IV must be completed)

Every petition for abatement or refund filed pursuant to § 39-10-114, C.R.S. shall be acted upon pursuant to the provisions of this section by the Board of County Commissioners or the Assessor, as appropriate, within six months of the date of filing such petition, § 39-1-113(1.7), C.R.S.

Section III:

Written Mutual Agreement of Assessor and Petitioner

(Only for abatements up to \$10,000)

The Commissioners of _____ County authorize the Assessor by Resolution No. 2011-07 to review petitions for abatement or refund and to settle by written mutual agreement any such petition for abatement or refund in an amount of \$2,500 or less per tract, parcel, or lot of land or per schedule of personal property, in accordance with § 39-1-113(1.5), C.R.S.

The Assessor and Petitioner mutually agree to the values and tax abatement/refund of:

	Tax Year <u>2014</u>			Tax Year <u>2015</u>		
	Actual	Assessed	Tax	Actual	Assessed	Tax
Original	_____	_____	_____	_____	_____	_____
Corrected	_____	_____	_____	_____	_____	_____
Abate/Refund	_____	_____	_____	_____	_____	_____

Note: The total tax amount does not include accrued interest, penalties, and fees associated with late and/or delinquent tax payments, if applicable. Please contact the County Treasurer for full payment information.

 Petitioner's Signature Date _____

 Assessor's or Deputy Assessor's Signature Date _____

Section IV:

Decision of the County Commissioners

(Must be completed if Section III does not apply)

WHEREAS, the County Commissioners of San Miguel County, State of Colorado, at a duly and lawfully called regular meeting held on 9 21 2016, at which meeting there were present the following members:

Amy Levek, Art Goodtimes, Joan May

with notice of such meeting and an opportunity to be present having been given to the Petitioner and the Assessor of said County and Assessor Peggy Kanter (~~being present~~-not present) and Petitioner Butler (~~being present~~-not present), and WHEREAS, the said

County Commissioners have carefully considered the within petition, and are fully advised in relation thereto, NOW BE IT RESOLVED, that the Board (~~agrees--does not agree~~) with the recommendation of the Assessor and the petition be (~~approved--approved in part--denied~~) with an abatement/refund as follows:

2014	<u>304,500</u>	<u>0</u>	2015	<u>304,500</u>	<u>0</u>
Year	Assessed Value	Taxes Abate/Refund	Year	Assessed Value	Taxes Abate/Refund

Joan May
 Chairperson of the Board of County Commissioners' Signature

I, Carmen Warfield County Clerk and Ex officio Clerk of the Board of County Commissioners in and for the aforementioned county, do hereby certify that the above and foregoing order is truly copied from the record of the proceedings of the Board of County Commissioners.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County this 21 day of Sept., 2016.

Carmen Warfield
 County Clerk's or Deputy County Clerk's Signature

Note: Abatements greater than \$10,000 per schedule, per year, must be submitted in duplicate to the Property Tax Administrator for review.

Section V:

Action of the Property Tax Administrator

(For all abatements greater than \$10,000)

The action of the Board of County Commissioners, relative to this abatement petition, is hereby Approved Approved in part \$ _____ Denied for the following reason(s): _____

 Secretary's Signature

 Property Tax Administrator's Signature Date _____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF SAN MIGUEL COUNTY, COLORADO SUPPORTING THE NAMING OF FOWLER PEAK AND BOSKOFF PEAK NEAR NAVAJO BASIN, WILSON RANGE, COLORADO

Resolution #2016-19

Whereas, Charlie Fowler was a beloved San Miguel County resident and world renowned mountaineer; and

Whereas, Charlie Fowler died with his life partner Christine "Chris" Boskoff on or about November 14, 2006 while attempting to summit a 6,200 meter peak in Tibet; and

Whereas, Charlie Fowler was a prolific filmmaker of mountaineering and Tibetan topics as well as an acclaimed travel photographer, and often presented well-attended slideshows of his travels for free or for fundraising purposes. His humble and ascetic approach to travel and ability to make stunning photos and film of scenic and remote areas and intimate cultural scenes attracted an audience beyond climbers; and

Whereas, Charlie Fowler was internationally admired as a master of all climbing disciplines, creator of numerous major first ascents such as his solo ascent of the Casual Route on The Diamond, and

Whereas, later in his career Charlie Fowler became a Mount Everest climbing guide for Mountain Madness;

Whereas, in 1997 Chris Boskoff left her job as an aeronautical engineer and embraced her dreams, becoming an owner of Mountain Madness, an international mountain guiding service. She became, one of the first female owners of such a high-risk guiding business. She and Charlie Fowler met in 1999 and became life partners.

Whereas, Chris Boskoff was a world-renowned, premier female American alpinist, who summited six of the world's fourteen 8,000 meter peaks. For many, her success as a climber and businesswoman serves as an inspiration and as a role model, not only as an alpinist, but in her decision to leave her first career and follow her dreams; and

Whereas, Charlie Fowler, as a San Miguel County resident was revered for his new route activity including in the desert rock of San Miguel County's West End, was the initiator and driving force behind the first climbing walls in Boulder, Telluride and Norwood Colorado school systems, and authored numerous guides to climbing areas in the West End and Telluride region; and

Whereas, Charlie Fowler was a wilderness advocate, a guide and educator for school students and troubled youth, and served as a film judge and member of the Board of Directors of MountainFilm in Telluride; and

Whereas, there are two as-yet unnamed 13,000 foot peaks in San Miguel and Dolores Counties in the Navajo Lake and Woods Lake region of the Wilson Range, Colorado. The peaks are located a little over one mile apart, are visible from each other, and can be seen from Norwood, Colorado, where Charlie Fowler and Chris Boskoff made their home at the time of their death. The peaks are also both quite visible from Elk Creek Basin, where the new campground and trailhead for Wilson Peak is located; and

Whereas, Charlie Fowler's and Chris Boskoff's friends and family support the naming of peaks for the two climbers; and

Whereas, the effort to name a peak after Charlie Fowler and a peak after Chris Boskoff is supported by the Telluride Mountain Club, The Access Fund, The American Alpine Club, American Mountain Guides Association, the Colorado Mountain Club, and Mountainfilm in Telluride.

NOW THEREFORE, BE IT RESOLVED that the Board of County Commissioners of San Miguel County, Colorado hereby continues to support the naming of Fowler Peak (13,498 feet, summit coordinates: 37.8569°N, -108.0117°W) and Boskoff Peak (13,123 feet, summit coordinates; 37.85549°N, -108.03112°) located in the Uncompahgre National Forest, near Navajo Basin and Elk Creek Basin, Wilson Range, Colorado approximately 10 miles southwest of Telluride and 5 miles northwest of Lizard Head Pass on Colorado 145.

DONE AND APPROVED by the San Miguel County Board of Commissioners at a regular meeting held at the Miramonte Building in Telluride, Colorado on September 21, 2016.

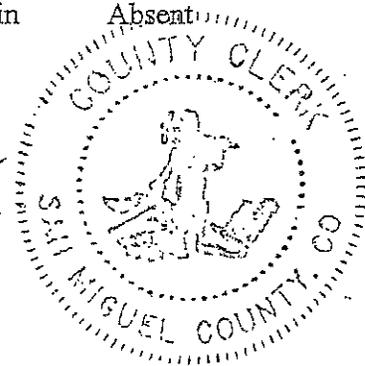
BOARD OF COUNTY COMMISSIONERS
SAN MIGUEL BOARD OF COMMISSIONERS

By: Joan May
Joan May, Chair

Vote: Joan May	<input checked="" type="radio"/> Aye	Nay	Abstain	Absent
Art Goodtimes	<input checked="" type="radio"/> Aye	Nay	Abstain	Absent
Amy Levek	<input checked="" type="radio"/> Aye	Nay	Abstain	Absent

ATTEST:

Carmen Z. Waut
Chief Deputy Clerk



**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF SAN MIGUEL COUNTY, COLORADO,
EXPRESSING SOLIDARITY WITH INDIGENOUS RESISTANCE TO THE
DAKOTA ACCESS PIPELINE**

2016- 21

WHEREAS, The proposed Dakota Access Pipeline would carry as many as 570,000 barrels of fracked crude oil per day for more than 1,100 miles from the Bakken oil fields of North Dakota to Illinois, passing over sensitive landscapes including treaty-protected land containing recognized cultural resources and across or under 209 rivers, creeks and tributaries, including the pristine Missouri River which provides drinking water and irrigates agricultural land in communities across the Midwest; and

WHEREAS, Despite deep opposition from the Standing Rock Sioux Tribe, as well as farmers, scientists, more than 30 environmental advocacy groups, and other Tribal Nations along the proposed route, and without Tribal consultation or meaningful environmental review as required by federal law, in July, 2016 the U.S Army Corps of Engineers issued a permit allowing construction of the fracked oil pipeline to move forward; and

WHEREAS, In a show of monumental cooperation not seen in the 140 years since the Battle of Greasy Grass (aka Custer's Last Stand), members of the Lakota Standing Rock Sioux Tribe have united with the Oceti Sakowin, the Seven Fires Council – which include the confederation of Lakota, Dakota and Nakota Nations – and established a peaceful encampment in Cannon Ball, North Dakota, known as the Sacred Stones Camp, to resist the construction of the Dakota Access Pipeline with a cultural and spiritual presence; and

WHEREAS, On August 15, 2016 the Standing Rock Sioux Tribal Council led by Tribal Chairman David Archambault II called on Tribal Nations and Indigenous people around the world to issue resolutions in support of the Standing Rock Sioux and the Sacred Stones Camp; and

WHEREAS, San Miguel County is committed to honoring the spirit and practice of reconciliation, apology and healing with Indigenous Peoples whose traditional lands are located in San Miguel County, and instituting policies to reduce carbon emissions and dependency upon fossil fuels signifying a legacy of civic engagement which continues as San Miguel County residents are inspired to take action and join with the Sacred Stones Camp to protect our environment and mother earth; and

WHEREAS, The County of San Miguel understands the importance of recognizing the specific challenges facing the original inhabitants of this land and honoring their contributions symbolized through the adoption of a formal apology to the Northern Ute Tribe, Ute Mountain Ute Tribe, and the Southern Ute Tribe and the declaration of Indigenous Peoples Day each October;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of San Miguel County, Colorado hereby stand in support of the Indigenous opposition to the Dakota Access

Pipeline and we call on all residents of San Miguel County to raise awareness about this important struggle for Indigenous sovereignty and environmental justice and to support the peaceful Sacred Stones Camp efforts in any way they can.

DONE AND APPROVED by the Board of Commissioners of San Miguel County, Colorado, on September 21, 2016.

SAN MIGUEL BOARD OF COMMISSIONERS

By: Joan May
Joan May, Chair

Vote:	Joan May	<u>Aye</u>	Nay	Abstain	Absent
	Art Goodtimes	<u>Aye</u>	Nay	Abstain	Absent
	Amy Levek	<u>Aye</u>	Nay	Abstain	Absent



ATTEST:

Carmin J. Wulf
Chief Deputy Clerk

**SAN MIGUEL COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
WEDNESDAY, SEPTEMBER 21, 2016**

Executive Session Minutes Attest

I, Steven J. Zwick, County Attorney attest that the Wednesday, September 21, 2016, Executive Session discussions of attorney-client matters were confined to a permissible executive session topic; and constituted a privileged attorney-client communication that does not have written minutes.



Steven J. Zwick, County Attorney

I, Joan May, Chair of the San Miguel County Board of Commissioners attest that the Wednesday, September 21, 2016, Executive Session discussions of attorney-client matters were confined to a permissible executive session topic; and constituted a privileged attorney-client communication that does not have written minutes.



Joan May, Chair