



PLANNING AND ZONING COMMISSION MEETING  
July 2, 2024  
6:30 P.M.

1. CALL TO ORDER - PLEDGE OF ALLEGIANCE - ROLL CALL
2. APPROVAL OF MINUTES
  - a. **Approval of Minutes - Planning & Zoning Commission, June 4, 2024**
3. PUBLIC PARTICIPATION - There is no limit to the number of speakers, although public comments will be held to an overall time limit of 30 minutes. Speakers have a time limit of three (3) minutes per person, may only speak once, and may not cede time to another commenter.
4. PUBLIC HEARINGS
  - a. **Resolution No. 5, Series 2024**  
Resolution No. 5, Series 2024 - Application for a site plan for a 560 sq. ft. addition to the existing dental/orthodontist office located on property at 101 S. Maple St., Cortez CO (the "Property").  
  
**Presenter:** Nancy Dosedall, Contract City Planner
  - b. **1880 Industrial Road, Site Plan Review:** As of the agenda posting deadline, this application remains incomplete and has been removed from the agenda.  
**Presenter:** No presentation will be given.
5. UNFINISHED BUSINESS
6. NEW BUSINESS
7. OTHER ITEMS OF BUSINESS
  - a. **Building Permits issued in June, 2024.**  
Planning and Zoning Commission will review.  
  
**Presenter:** No presentation will be given.
8. ADJOURNMENT



CITY OF CORTEZ  
123 ROGER SMITH AVENUE  
CORTEZ, CO 81321

July 02, 2024

Agenda Item: 2. a.

MEMO TO: Planning and Zoning Commission

FROM: Cheryl Lindquist, Permit Technician/Deputy City Clerk

SUBJECT: **Approval of Minutes - Planning & Zoning Commission, June 4, 2024**

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**Attachments**

June 4, 2024 minutes

PLANNING & ZONING COMMISSION

REGULAR MEETING

TUESDAY, JUNE 4, 2024

1. The meeting was called to order in the City Council Chambers at 6:30 p.m., and opened with the Pledge of Allegiance. Commissioners present were Chairperson Robert Rime, Vice Chairperson Katrina Weiss, Emily Waldron and Bob Bright.

2. ROLL CALL was taken:

Bright	Waldron	Weiss	Rime
Yes	Yes	Yes	Yes

Staff present included: Community and Economic Development Director Rachael Marchbanks, Contract City Planner Nancy Dosedall, City Attorney Patrick Coleman, Public Works Secretary Karie Beougher, IT Support Aaron Holleman, and Deputy City Clerk Cheryl Lindquist.

There were 7 people in the audience.

3. Approval of the Regular Meeting Minutes of March 5, 2024.

Commissioner Weiss moved that the minutes for March 5, 2024 be approved. Commissioner Waldron seconded the motion and the vote was as follows:

Bright	Waldron	Weiss	Rime
Yes	Yes	Yes	Yes

4. PUBLIC PARTICIPATION: Lana Waters wanted to speak regarding an item on the agenda which is not allowed during this time. She left the attached statement to be added to the record.

5. PUBLIC HEARINGS:

- a. Contract City Planner Nancy Dosedall presented a Site Plan Review for 1880 Industrial Road doing business as Le Pew Porta Johns with Jena Thompson, Larry and Dona Thompson as owners. Planner Dosedall stated staff is recommending the project be continued to a date certain of July 2, 2024. No discussion by the Commissioners was held to keep the record complete for the date certain.

Commissioner Weiss made the motion that the Planning and Zoning Commission continue the hearing for the site development plan for an office/shop building on property located at 1880 Industrial Road, Cortez, Colorado, in the Industrial (I) zone to the regular planning

commission meeting to be held on July 2, 2024.

Commissioner Bright seconded the motion and the vote follows:

Bright	Waldron	Weiss	Rime
Yes	Yes	Yes	Yes

- b. Resolution No. 4, Series 2024, Contract City Planner Nancy Dosdall presented a Site Plan review for Body by Design, Terry Tevault, owner. The Vault Property LLC, (Terry Tevault), is proposing a site plan to construct an addition to the existing structure located at 1240 Lebanon Rd. The proposal will double the size of the existing Body by Design building. The lot is 3.15 acres and currently houses the existing Body by Design fitness center with associated parking and other improvements. The Property is zoned Industrial. The City Engineer has asked for more drainage studies which the owner is currently working with an independent engineer to get the findings.

Chairman Rime opened the Public Hearing to anyone wishing to comment but there were none so the hearing was closed.

Commissioner Weiss made the motion to recommend that the Cortez City Council approve P&Z Resolution No. 4, Series 2024, a resolution approving the site development plan for an addition to the existing building on property located at 1240 Lebanon Rd, Cortez, Colorado, in the Industrial (I) zone, with the following conditions:

1. All requirements of utility providers, City departments, CDOT and affected districts must be satisfied, as outlined in adopted City Codes and other regulatory documents. Specifically, all public improvements shall comply with the minimum requirements of the 2009 City of Cortez Construction Design Standards and Specifications.
2. The appropriate construction drawings and reports for the project, revised as required by the City Engineer shall be signed and stamped by a Colorado licensed architect or engineer, must be approved by the Building Official and City Engineer, and a building permit obtained prior to any construction on the Property.
3. Prior to issuance of a Certificate of Occupancy the applicant's engineer shall certify that all improvements were constructed in conformance with the approved plans.
4. A drainage report meeting CDPHE requirements shall be submitted and approved by the City Engineer prior to issuance of a building permit for the property.
5. Improvements shall be installed prior to issuances of a Certificate of Occupancy. Irrigation and maintenance must be provided. In the event that construction of the building and all other requirements are met prior to the installation of the landscaping, and the Applicant desires a Certificate of Occupancy (CO), the Applicant may choose to provide a financial surety and obtain a CO in advance of completing the landscaping improvements. In this event, the Applicant shall provide an assurance bond, letter of credit, or other financial security agreed to by both parties, providing a guarantee of installation of the landscaping within a time frame approved by the City of Cortez.

Commissioner Bright seconded the motion with the vote as follows:

Bright	Waldron	Weiss	Rime
Yes	Yes	Yes	Yes

6. OTHER ITEMS OF BUSINESS:

- a. Montezuma County Subdivision and Re-zoning Application: Planner Dosdall presented a County Application Packet Request for a proposed 2 Lot Moderate Subdivision & AR3-9 Rezoning Application, submitted by David Kimble & Falena Hunter, on property located at TBD Road H, Cortez, CO, consisting of 14.72 acres, more or less, located south of Road H, east of Road 25, situated in Section 2 Township 35N, Range 16W, N.M.P.M.

There were no concerns or comments to be forwarded to the County.

- b. Building Permits issued March, April, and May 2024 were reviewed.
- c. General Discussion on Montezuma County planning projects: Planner Dosdall and Director Marchbanks discussed how it is determined which projects are brought to P&Z and why others are not. The Intergovernmental Agreement is specific to road and street management between the City and the County. Any city development that impacts county roads, we will forward to the county and they will reciprocate. It also refers to the one-mile and three-mile areas of influence. Chairman Rime would like to be informed of projects even if they are not discussed in the Commission meetings.

7. ADJOURNMENT: Commissioner Bright moved that the meeting be adjourned.

Commissioner Weiss seconded the motion and the vote was as follows:

Bright	Waldron	Weiss	Rime
Yes	Yes	Yes	Yes

The meeting adjourned at 7:30 p.m.

PLANNING & ZONING COMMISSION

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Robert Rime, Chairperson

ATTEST:

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Cheryl Lindquist, Deputy City Clerk

I kindly request that the next item of business be removed from the agenda as it is incomplete. The owners of LePew, one who has been a City Employee for 40 years, are very familiar with the process, yet Staff has decided to present this item of business without even an application or fee, which is the required initial step. Staff and the employee should be aware of the oversight. The administration of Planning & Zoning is not following 6.14 of the Land Use Code giving the perception of favoritism to a City employee. This situation is regrettable and must be addressed promptly to maintain the integrity of City procedures.

The importance of adhering to established protocols cannot be overstated. The City process ensures fairness, transparency, and accountability, principles that are fundamental to City operations. By bypassing the initial application and fee, you undermine these principles and set a concerning precedent. It is crucial that all parties, especially those familiar with City procedures, adhere strictly to the guidelines to avoid any perception of favoritism or misconduct.

This incident highlights the need for vigilance and due diligence in your administrative practices. You must ensure that all items presented for consideration are complete and compliant with the standards before they are included in the agenda. This not only upholds the credibility of your process but also respects the time and effort of everyone involved, from staff members to the public who rely on your commitment to due process.

In conclusion, I urge that this matter be rectified immediately by removing the incomplete item from the agenda. Moving forward, you must reinforce the importance of following established procedures and ensure that all necessary steps are completed before any item is brought

forward for consideration. This will help restore trust and maintain the high standards expected of your administration.

received 6/4/2024  
from Lana Waters



CITY OF CORTEZ  
123 ROGER SMITH AVENUE  
CORTEZ, CO 81321

July 02, 2024

Agenda Item: 4. a.

MEMO TO: Planning and Zoning Commission

FROM: Cheryl Lindquist, Permit Technician/Deputy City Clerk

SUBJECT: **Resolution No. 5, Series 2024**

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#### BACKGROUND

Scott and Joyce Arter (the "Applicants"), are currently under contract to purchase the Property (located at 101 S. Maple St.) and are proposing a site plan to construct an addition to the existing structure. The proposal will add 560 sq. ft. to the existing building. The lot is .29 acres (12,500 sq. ft.) and it currently houses Cortez Dental Care and Schafer Orthodontics with associated parking and other improvements. The Property is zoned Commercial Highway (C).

#### ISSUES

The Planning Commission in its consideration shall use the standards set forth in Chapter 5 of this code and shall include paving and layout of streets, alleys and sidewalks, means of ingress and egress, provisions for drainage, parking spaces, areas designated for landscaping, and other aspects deemed by the planning commission necessary to consider in the interest of promoting the public health, safety, order, convenience, prosperity and general welfare.

#### RECOMMENDATION

Staff recommends approval of the application for the site development plan through P&Z Resolution No. 5, Series 2024, with 2 conditions.

**A suggested motion could be: I make a motion that the Planning and Zoning Commission approve P&Z Resolution No. 5, Series 2024, a resolution approving the site development plan for an addition to the existing building on property located at 101 S. Maple St., Cortez, Colorado, in the Highway Commercial (C) zone, with the following conditions:**

1. All requirements of utility providers, City departments, CDOT and affected districts must be satisfied, as outlined in adopted City Codes and other regulatory documents. Specifically, all public improvements shall comply with the minimum requirements of the 2009 City of Cortez Construction Design Standards and Specifications.
2. The appropriate construction drawings and reports for the project, revised as required by the City Engineer shall be signed and stamped by a Colorado licensed architect or engineer, must be approved by the Building Official and City Engineer, and a building permit obtained prior to any construction on the Property.

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#### Attachments

Staff Report  
Resolution No. 5, Series 2024  
Site plan and marked entrance  
Documentation







City of Cortez Community & Economic Development Dept.  
*123 Roger Smith Avenue*  
*Cortez, CO 81321*

Meeting Date: July 2, 2024  
Project No. PL- LU24-0007

## MEMO

**TO:** Members of the Cortez Planning and Zoning Commission

**FROM:** Nancy Dosedall, Contract City Planner

**SUBJECT:** Public Hearing on an Application for a site plan for a 560 sq. ft. addition to the existing dental/orthodontist office located on property at 101 S. Maple St., Cortez CO (the “Property”), zoned Commercial Highway (C).

**APPLICANT:** Scott & Joyce Arter

**OWNER:** Alan & Pamela Schafer Family Trust

**ATTACHMENTS:** P&Z Resolution No. 5, Series 2024  
Plan Set, application

## BACKGROUND

Scott and Joyce Arter (the “Applicants”), are currently under contract to purchase the Property (located at 101 S. Maple St.) and are proposing a site plan to construct an addition to the existing structure. The proposal will add 560 sq. ft. to the existing building. The lot is .29 acres (12,500 sq. ft.) and currently houses Cortez Dental Care and Schafer Orthodontics with associated parking and other improvements. The Property is zoned Commercial Highway (C).

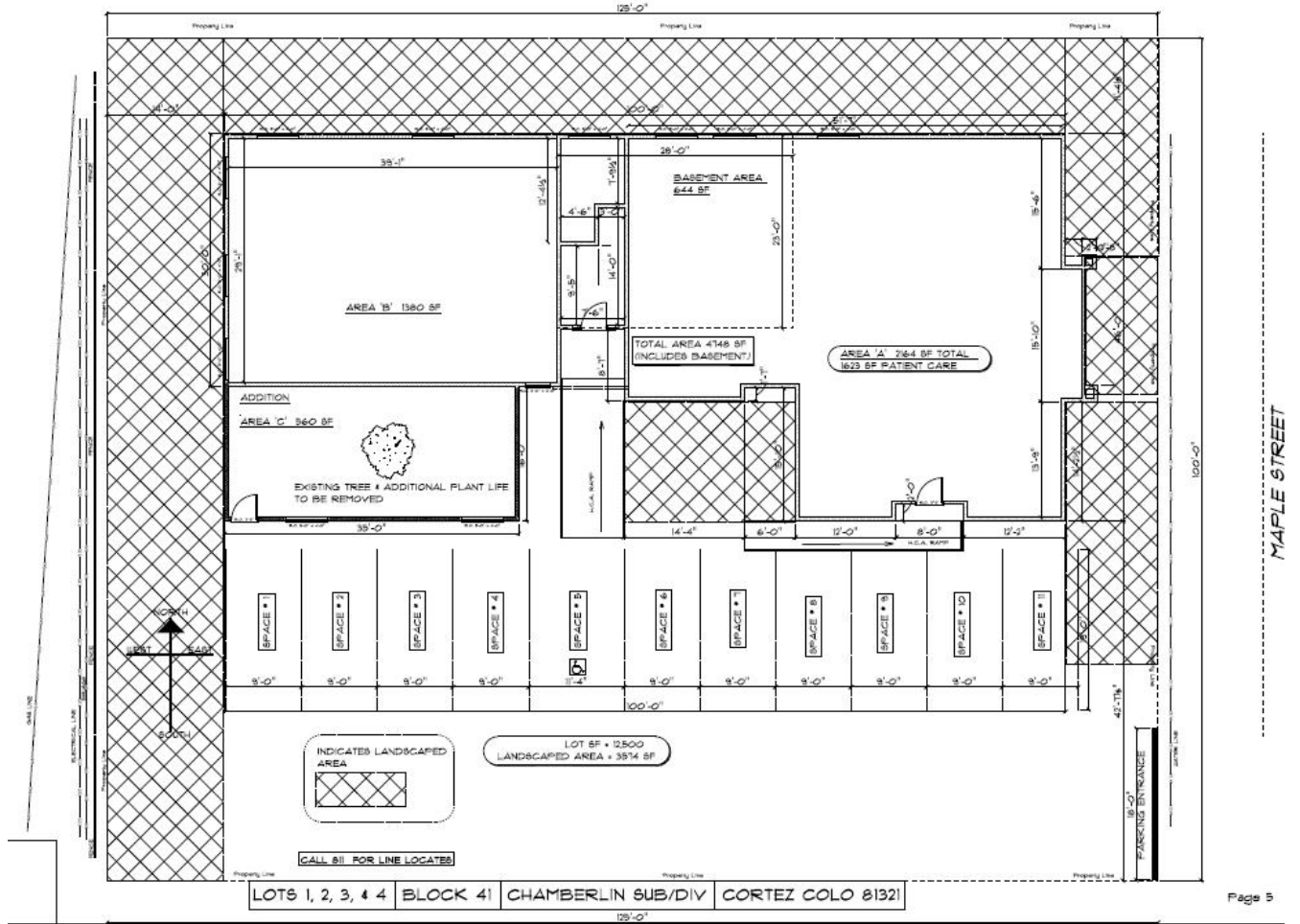
The Property is located in a commercial area just south of Main St., directly east of the Middle School. Properties to the north, south and west are zoned Commercial Highway, while properties directly east are zoned Neighborhood Business.



Project Location



Existing



Proposed

## DEVELOPMENT STANDARDS

<b>Development Standard</b>	<b>C Zone Requirement</b>	<b>Proposed</b>
Min. lot area (sq. ft.)	6,000	12,500
Min. front yard (ft.)	10'	10' existing
Min. side yard (ft)	7'	10' existing
Min. rear yard (ft)	7'	10' existing
Max. lot coverage	n/a	n/a
Min. floor area	n/a	n/a
Max height (ft)	35'	15'
Parking	11 spaces	11 spaces existing
Landscaping	10% or 1,250 sq. ft.	3,574 sq. ft. landscaped 28%

## ISSUES

The purpose of the site plan review is to ensure compliance with all regulations and to protect the public health, safety and welfare, to promote balanced growth, to ensure adequate provision of public services and facilities and to guide the character of the city. Section 6-14.12 (f) of the Land Use Code (“LUC”) states:

The Planning Commission in its consideration shall use the standards set forth in Chapter 5 of this code and shall include paving and layout of streets, alleys and sidewalks, means of ingress and egress, provisions for drainage, parking spaces, areas designated for landscaping, and other aspects deemed by the planning commission necessary to consider in the interest of promoting the public health, safety, order, convenience, prosperity and general welfare.

## DISCUSSION

The project as submitted appears to meet all development standards.

LUC 6.14(e)(9) states that it is at the sole discretion of the zoning administrator whether a site plan on a parcel less than ½ acre in size shall be referred from the Planning Commission to the City Council. Given the minor nature of this addition, the Zoning Administrator (the Community and Economic Development Director) determined that the Planning Commission should be the decision authority for this project.

Comments below and suggested conditions will ensure adequate access, drainage, and all other aspects to promote the public health, safety, order, convenience, prosperity, and general welfare.

## **AGENCY REVIEW**

### **Empire Electric (Greg South)**

I talked to Jay Cruzan about Empire having two secondary UG powerlines on far west side of existing building. He assured me that the new addition will not be built over them. With that being said I have signed off on the Cities review form. Please feel free to contact me if you have any questions.

### **Cortez Sanitation District (Jim Webb)**

The Sanitation District has no issues with this proposal

## **ALTERNATIVES**

1. The Commission can recommend that the City Council approve the application for the site development plan for the proposed addition on property located at 101 S. Maple St., Cortez Colorado, in the Highway Commercial (C) zone; or
2. The Commission can recommend that the City Council deny the application for the site development plan and state its reasons; or
3. The Commission can ask for more information and continue the application to a date certain; or
4. The Commission can approve the application for the site development plan, and state any conditions it feels would be necessary to ensure compliance with the Land Use Code; or
5. The Commission can deny the application for the site development plan and state its reasons.

## **RECOMMENDATION**

Staff recommends Alternative “4” above, approval of the application for the site development plan through P&Z Resolution No. 5, Series 2024, with 2 conditions.

If the Planning and Zoning Commission so chooses to follow the recommendation of Staff, a possible motion the Commission could make is as follows:

**I make a motion that the Planning and Zoning Commission approve P&Z Resolution No. 5, Series 2024, a resolution approving the site development plan for an addition to the existing building on property located at 101 S. Maple St., Cortez, Colorado, in the Highway Commercial (C) zone, with the following conditions:**

1. All requirements of utility providers, City departments, CDOT and affected districts must be satisfied, as outlined in adopted City Codes and other regulatory documents. Specifically, all public improvements shall comply with the minimum requirements of the 2009 City of Cortez Construction Design Standards and Specifications.
2. The appropriate construction drawings and reports for the project, revised as required by the City Engineer shall be signed and stamped by a Colorado licensed architect or engineer, must be approved by the Building Official and City Engineer, and a building permit obtained prior to any construction on the Property.

**CITY OF CORTEZ  
RESOLUTION NO. 5, SERIES 2024**

**A RESOLUTION APPROVING A SITE DEVELOPMENT PLAN FOR AN ADDITION  
TO AN EXISTING COMMERCIAL BUILDING LOCATED AT 101 S MAPLE ST,  
CORTEZ, COLORADO IN THE COMMERCIAL HIGHWAY (C) ZONING DISTRICT**

WHEREAS, the applicant, Scott and Joyce Arter (the “Applicant”) has applied for review of a site development plan for an addition to the existing building located on property at 101 S. Maple St., Cortez, Colorado (the “Property”) and more particularly described as:

*Lot 1, 2, 3 and 4, Block 41 TOWN OF CORTEZ AND CHAMBERLIN’S ADDITION TO THE TOWN OF CORTEZ, according to the plat thereof filed for record August 20, 1890 in Book 3, Page 36.*

WHEREAS, Land Use Code Section 6.14, Site Plans, indicates that the owner or developer of a property may request an application of these site plan requirements for development on property located in the COMMERCIAL Highway (C) Zoning District; and

WHEREAS, Land Use Code Section 6.14(e)(9) states that it is at the sole discretion of the of the Zoning Administrator whether a site plan on a property less than ½ acre in size shall be referred to the City Council; and

WHEREAS, The Zoning Administrator has determined that a site plan does not need to be referred to the City Council; and

WHEREAS, the Planning and Zoning Commission received evidence and testimony, reviewed the site plan for an addition to the existing building on the Property at its July 2, 2024 meeting, and is recommending approval of the site plan with conditions, as evidenced in the adoption of P&Z Resolution No. 5, Series 2024; and

WHEREAS, it appears that all requirements of Chapters 5.00 and 6.00 of the City’s Land Use Code for development of the Property have been or can be met.

NOW, THEREFORE, BE IT RESOLVED BY THE CORTEZ PLANNING AND ZONING COMMISSION:

THAT, this Resolution No. 5, Series 2024, establishes conditions of approval for the site plan on the Property; and

THAT, the site plan, and full application for the Property are hereby approved, subject to the following conditions to ensure compliance with the standards in the Cortez Land Use Code for a site development plan:



1. All requirements of utility providers, City departments, CDOT and affected districts must be satisfied, as outlined in adopted City Codes and other regulatory documents. Specifically, all public improvements shall comply with the minimum requirements of the 2009 City of Cortez Construction Design Standards and Specifications.
2. The appropriate construction drawings and reports for the project, revised as required by the City Engineer shall be signed and stamped by a Colorado licensed architect or engineer, must be approved by the Building Official and City Engineer, and a building permit obtained prior to any construction on the Property.

AND THAT, the Applicant is to coordinate with City staff to ensure that these conditions are fully met.

MOVED, SECONDED, AND ADOPTED THIS 2ND DAY OF JULY, 2024

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Robert Rime, Chairman

ATTEST:

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Cheryl Lindquist, Deputy City Clerk







(Land Use Code Section 6.14)

Contractor's Name: CRUZAN CONSTRUCTION Phone/Fax: 970 749 6112

Owner's Name: SCOTT & JOYCE ARTER Phone/Fax: 303 717 1923

Address: 101 S. MAPLE Zone District: \_\_\_\_\_

Legal Description (Lot & Block): LOT 1, 2, 3, 4 BLOCK 41 CHAMBERLAIN

Existing Use: DENTAL OFFICE Proposed Use: DENTAL OFFICE

Lot Dimensions: 125' X 100' Proposed GFA(Gross Floor Area): 4748

**Application Requirements**

- \_\_\_\_\_ 3 copies of site plan drawn to scale, titled "Preliminary Site Plan"
- \_\_\_\_\_ Scale and north point indicated
- Name of street on drawing \_\_\_\_\_
- Fees \_\_\_\_\_

Site plan shall contain, but not limited to:

- Drives, streets, and rights-of-way
- Easements
- Location and dimensions of structures and signs
- Typical elevations of such buildings
- Access ways, including points of ingress, egress
- Parking, loading, and refuse areas
- Common open space
- Landscaping and open spaces
- Topography
- Specific areas proposed for specific types of land use
- Lots or plots
- Area proposed for dedication
- Parks and parkways
- School sites
- Wetlands
- Narrative describing the proposed development, Lot, Block and subdivision description, and name(s), address and phone number of the property owner(s) must be attached to the plat
- A copy of the warranty deed and title commitment current within thirty days of submittal.
- Five copies of the drainage plan.
- Five copies of the landscape plan.
- Five copies of building elevations of all sides to include rooftop mechanical structures and showing screening of rooftop mechanical devices.
- Surface and subsurface soils report.
- Additional copies may be requested for the referral process
- Certification of notification of mineral estate owners as described in Section 6.04 (b)(19).

**Review Procedures/Approval Requirements**

\_\_\_\_\_ Site plan submittal, narrative, fees, and application form  
\_\_\_\_\_ PN in paper 15 days prior to P&Z meeting on \_\_\_\_\_

Action of P&Z: \_\_\_\_\_

\_\_\_\_\_ PN in paper 15 days prior to Council meeting on \_\_\_\_\_

Action of Council: \_\_\_\_\_

Certificate of Occupancy, provided that:

- Landscaping requirements met
- Drainage plan approved by City Engineer
- Parking lot and drainage facilities are in
- Fire flow/prevention approved by Cortez Fire District
- Other requirements are met by agencies and Building Official

Cortez Bldg Committee  
5/25/24

To Whom It May Concern:

As owner of Arter Family Dental Care, I strive to provide affordable and quality care for my growing population in need of dental care as well as a spacious and comfortable employment space for my staff. We have outgrown our current space, and are therefore purchasing an office *in which we can expand for our growing needs, while keeping the current tenant in place.* The section of the bldg we will occupy is presently 20% smaller than what we are in. Therefore, we need to add on an office, 2 operatories, xray room and supply area to allow growth of our business.

Thank you for your consideration.

Regards,

Scott Arter, DDS

A handwritten signature in black ink, appearing to read 'S. Arter', with a stylized flourish extending to the right.

*Erin Johnson*  
*Attorney at Law, L.L.C.*  
*9 S. Glasgow Avenue, POB 189*  
*Rico, Colorado 81332*  
*303-588-2695*  
*erin@fone.net*

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May 31, 2024

Drew Sanders  
City Manager  
123 Roger Smith Ave  
Cortez, CO 81321

Re: Authorization re 101 S. Maple Street, Cortez, CO

Dear Mr. Sanders,

I am writing you on behalf of my clients, Alan and Pam Schafer, who own property located at 101 S. Maple Street, Cortez, CO, where Dr. Schafer practiced orthodontics for many years.

The Schafers are in the process of selling the property to Dr. Scott Arter and Joyce Arter. They are currently under contract and the closing is set to occur on July 1, 2024. In preparing for the purchase of the property, the Arters would like to do some remodeling on the building to customize it for their dental practice.

The remodeling requires a building permit and possibly other review and permissions from the City of Cortez. This letter is to inform you that the Arters have our permission to pursue any required permission or permits from the City of Cortez regarding their improvements to the property, as our agents.

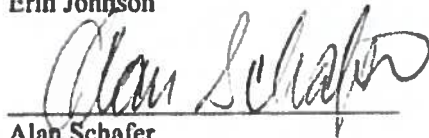
The authorization to the Arters does not include any right to perform any remodeling or any demolition of the building prior to closing.

The authorization allowed by this letter is verified by the signatures of the Schafers below.

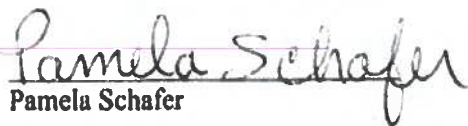
Sincerely,



Erin Johnson



Alan Schafer



Pamela Schafer





MRP / mrp

## Colorado Title & Closing Services, LLC

Serving All of Colorado  
**ISSUING AGENT FOR**  
**WESTCOR LAND TITLE INSURANCE COMPANY**

**Transaction Identification Data, for which the Company assumes no liability as set forth in Commitment Condition 5.e.:**

Property Address: 101 S. Maple St., Cortez, CO 81321

Prepared for:  
**ALAN B. SCHAFER**

Issuing Office:  
**631 E. Main Street**  
Cortez, CO 81321  
Phone: (970) 684-9770  
Fax: (970) 684-9769

Attention:  
**ALAN B. SCHAFER /**

Title Examiner:  
**Marie Rogers-Patrick**  
mrogers@coloradotitleservices.com  
(970) 529-7013

Copies to:  
**SCOTT TRAVIS ARTER and JOYCE KATHERINE ARTER**  
**THE DOLORES STATE BANK / BREE MCDONALD**  
**ERIN JOHNSON ATTORNEY AT LAW, LLC / ERIN JOHNSON**

Closing Officer:  
**Bea Rouse**  
brouse@coloradotitleservices.com  
(970) 529-7017

Closing Assistant:  
**April Jackson**  
ajackson@coloradotitleservices.com

### SCHEDULE A

	<u>POLICY LIABILITY</u>	<u>PREMIUM CHARGES</u>
Owner's Policy ALTA (07/01/2021)	\$550,000.00	\$1,726.00
Owners Mechanics Lien Coverage		\$40.00
Loan Policy ALTA (07/01/2021)	\$445,000.00	\$250.00
Tax Certification		\$25.00
	<b>Total Due</b>	<b>\$2,041.00</b>

1. Commitment date: **April 18, 2024 at 5:00 PM**
2. Policy or Policies to be issued:  
**Owner's Policy ALTA (07/01/2021)**  
Proposed Insured: **SCOTT TRAVIS ARTER and JOYCE KATHERINE ARTER**  
  
Loan Policy ALTA (07/01/2021)  
Proposed Insured: **THE DOLORES STATE BANK**
3. The estate or interest in the Land at the Commitment Date is:

**FEE SIMPLE**

4. The Title is, at the Commitment Date, vested in:

**ALAN B. SCHAFER AND PAMELA J. SCHAFER AS CO-TRUSTEES OF THE ALAN B. SCHAFER AND PAMELA J. SCHAFER FAMILY TRUST UNDER AGREEMENT DATED OCTOBER 23, 2000**

5. The Land referred to in this Commitment is located in the County of **Montezuma**, State of Colorado and described as follows:

**Lots 1, 2, 3 and 4, Block 41, TOWN OF CORTEZ AND CHAMBERLIN'S ADDITION TO THE TOWN OF CORTEZ, according to the plat thereof filed for record August 20, 1890 in Book 3 at Page 36.**

Colorado Title & Closing Services, LLC

By:



\_\_\_\_\_  
Authorized Signatory

**SCHEDULE B - SECTION 1**  
**REQUIREMENTS**

The following requirements must be met:

- (1.) The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
- (2.) Pay the agreed amount for the estate or interest to be insured.
- (3.) Pay the premiums, fees, and charges for the Policy to the Company.
- (4.) Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.

\*\*\*\*\*  
**NOTE TO BUYERS AND LENDERS: Be aware!!! Online banking fraud is on the rise!!!**

We will send wire instructions to you ONLY out of the following bank:

\*\*\*\*\* TBK Bank, SSB \*\*\*\*\*

If you receive wire instructions naming any other bank contact your closing officer immediately.

Your closing officer is: **Bea Rouse (970) 529-7017**

- \*\*\*\*\*
- A. A Certificate of Taxes Due listing each taxing jurisdiction shall be obtained from the County Treasurer or the County Treasurer's authorized agent.
  - B. **WARRANTY DEED from ALAN B. SCHAFFER AND PAMELA J. SCHAFFER AS CO-TRUSTEES OF THE ALAN B. SCHAFFER AND PAMELA J. SCHAFFER FAMILY TRUST UNDER AGREEMENT DATED OCTOBER 23, 2000 to SCOTT TRAVIS ARTER and JOYCE KATHERINE ARTER.**

NOTE: Statement of Authority for ALAN B. SCHAFFER AND PAMELA J. SCHAFFER FAMILY TRUST DATED APRIL 15, 1999 AND AMENDED ON OCTOBER 23, 2000, recorded DECEMBER 21, 2021 as Reception No. 642121 discloses the following as Co-Trustee(s):

**ALAN B. SCHAFFER**  
**PAMELA J. SCHAFFER**

- C. DEED OF TRUST from SCOTT TRAVIS ARTER and JOYCE KATHERINE ARTER to the Public Trustee of the County of Montezuma, for the use of THE DOLORES STATE BANK, to secure \$445,000.00.
- D. DEED OF TRUST from SCOTT TRAVIS ARTER and JOYCE KATHERINE ARTER to the Public Trustee of the County of Montezuma, for the use of REGION 9 ECONOMIC DEVELOPMENT DISTRICT OF SOUTHWEST COLORADO, INC., to secure \$55,000.00.
- E. The Company requires the Seller/Vested Owner named herein on Schedule A to provide complete information necessary to identify all leases and/or tenancies that may be in effect regarding this property. If no leases and/or tenancies are in existence, that information must be provided in written form prior to closing.

NOTE: In the event that specific leases and/or tenancies are disclosed, then this Requirement will be deleted and a specific Exception describing the same will be added to the Schedule B – Section 2 Exceptions on this Commitment and/or Schedule B of the final Owner Policy to be issued.

**SCHEDULE B – SECTION 1, continued**  
**REQUIREMENTS FOR ISSUANCE OF ENDORSEMENTS**

**OWNER**

The owners policy to be issued will not contain the exception designated on the commitment as number 4 of Schedule B provided that a mechanic's lien is not filed for record on subject property prior to the recording of the insured Deed and provided the following item(s) are received by the Company:

- **Affidavit (Seller/Borrower) executed by the Seller(s)**

Exception number 6 herein will be modified on the owners policy to be issued to show that the current years real estate taxes are not yet due or payable and prior years real estate taxes have been paid upon receipt of a Certificate or Statement of Taxes Due from the County Treasurer and upon verification that all outstanding real estate taxes *have been paid*.

**LENDER**

Exception number 6 herein will be modified on the mortgagee's policy to be issued to show that the current years real estate taxes are not yet due or payable and prior years real estate taxes have been paid upon receipt of a Certificate or Statement of Taxes Due from the County Treasurer and upon verification that all outstanding real estate taxes have been paid.

The above is subject to payment of the premiums as disclosed on Schedule A herein.

**SCHEDULE B - SECTION 2**  
**EXCEPTIONS**

**Some historical land records contain Discriminatory Covenants that are illegal and unenforceable by law. This Commitment and the Policy treat any Discriminatory Covenant, as defined in Commitment Conditions 1(a), in a document referenced in Schedule B as if each Discriminatory Covenant is redacted, repudiated, removed, and not republished or recirculated. Only the remaining provisions of the document will be excepted from coverage.**

The Policy will not insure against loss or damage resulting from the terms and conditions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Any facts, rights, interests or claims which are not shown by the Public Records, but which could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
2. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
3. Discrepancies, conflicts in boundary lines, encroachments, overlaps, variations or shortage in area or content, party walls and any other matters that would be disclosed by a correct survey and/or physical inspection of the land.
4. Any lien, or right to a lien, for services, labor or materials heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
5. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I—Requirements are met
6. (a) All taxes, assessments, levies and charges which constitute liens or are due or payable including unredeemed tax sales.; (b) proceedings by a public agency that may result in taxes or assessments or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
7. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) any water or well rights, ditches or ditch rights, or rights or title to water or claims thereof, in, on or under land; (d) all interest in oil, gas, coal and other mineral rights severed by predecessors in Title and any and all assignments thereof or interests therein; whether or not the matters excepted under (a), (b), (c) or (d) are shown by the Public Records.
8. Any, tax, assessment, fees, or charges, by reason of the inclusion of the subject property in the local street improvement and Cortez Sanitation Districts and any resolutions, ordinances, and/or agreements pertaining thereto.

- Note 1: Colorado Division of Insurance Regulation 8-1-2, Section 5, Paragraph H, requires that "Every title insurance company shall be responsible to the proposed insured(s) subject to the terms and conditions of the title insurance commitment, other than the effective date of the title insurance commitment, for all matters which appear of record prior to the time of recording whenever the title insurance company, or its agent, conducts the closing and settlement service that is in conjunction with its issuance of an owner's policy of title insurance and is responsible for the recording and filing of legal documents resulting from the transaction which was closed". Provided that Colorado Title & Closing Services, LLC, conducts the closing of the insured transaction and is responsible for recording the legal documents from the transaction, exception No. 5 in Schedule B-2 will not appear in the Owner's Title Policy and Lender's Title Policy when issued.
- Note 2: Colorado Division of Insurance Regulation 8-1-2, Paragraph M of Section 5, requires that prospective insured(s) of a single family residence be notified in writing that the standard exception from coverage for unfiled Mechanic's or Materialman's Liens may or may not be deleted upon the satisfaction of the requirement(s) pertinent to the transaction. These requirements will be addressed upon receipt of a written request to provide said coverage, or if the Purchase and Sale Agreement/Contract is provided to the Company then the necessary requirements will be reflected on the commitment and may include, but are not limited to:
- A. The Land described in Schedule A of this commitment must be a single family residence, which includes a condominium or townhouse unit.
  - B. No labor or materials may have been furnished by mechanics or materialmen for purpose of construction on the Land described in Schedule A of this Commitment within the past 13 months.
  - C. The Company must receive an appropriate affidavit indemnifying the Company against unfiled mechanic's and materialmen's liens.
  - D. Any deviation from conditions A through C above is subject to such additional requirements or information as the Company may deem necessary, or, at its option, the Company may refuse to delete the exception.
  - E. Payment of the premium for said coverage.
- Note 3: The company will not issue its policy or policies of title insurance contemplated by this commitment until it has been provided a Certificate of Taxes due or other equivalent documentation from the County Treasurer or the County Treasurer's authorized agent; or until the Proposed Insured has notified or instructed the company in writing to the contrary. Furthermore, the following disclosures are hereby made pursuant to C.R.S. §10-11-122:
- (i) The subject real property may be located in a special taxing district;
  - (ii) A certificate of taxes due listing each taxing jurisdiction shall be obtained from the County Treasurer or the County Treasurer's authorized agent; and
  - (iii) Information regarding special districts and the boundaries of such districts may be obtained from the County Commissioners, the County Clerk and Recorder, or the County Assessor.
- Note 4: If the sales price of the subject property exceeds \$100,000.00, the seller shall be required to comply with the disclosure or withholding provisions of C.R.S. §39-22-604.5 (Non-resident withholding)
- Note 5: Pursuant to C.R.S. §10-11-123 Notice is hereby given:
- (a) If there is recorded evidence that a mineral estate has been severed, leased or otherwise conveyed from the surface estate then there is a substantial likelihood that a third party holds some or all interest in oil, gas, other minerals, or geothermal energy in the property; and
  - (b) That such mineral estate may include the right to enter and use the property without the surface owner's permission.
- Note 6: Effective September 1, 1997, C.R.S. §30-10-406 requires that all documents received for recording or filing in the clerk and recorder's office shall contain a top margin of at least one inch and a left, right and bottom margin of at least one-half inch. The clerk and recorder may refuse to record or file any document that does not conform.

Note 7: Our Privacy Policy is attached to this commitment.

Note 8: Pursuant to C.R.S. §38-35-125 and Colorado Division of Insurance Regulation 8-1-2 (Section 5), if the *parties to the subject transaction request us to provide escrow-settlement and disbursement services to facilitate the closing of the transaction*, then all funds submitted for disbursement must be available for immediate withdrawal.

Note 9: C.R.S. §39-14-102 requires that a real property transfer declaration accompany any conveyance document presented for recordation in the State of Colorado. Said declaration shall be completed and signed by either the grantor or grantee.

Note 10: Pursuant to C.R.S. §10-1-128 (6)(a), It is unlawful to knowingly provide false, incomplete, or misleading facts or information to an insurance company for the purpose of defrauding or attempting to defraud the company. Penalties may include imprisonment, fines, denial of insurance and civil damages. Any insurance company or agent of an insurance company who knowingly provides false, incomplete, or misleading facts or information to a policyholder or claimant for the purpose of defrauding or attempting to defraud the policyholder or claimant with regard to a settlement or award payable from insurance proceeds shall be reported to the Colorado division of insurance within the department of regulatory agencies.

Note 11: Colorado Division of Insurance Regulation 8-1-3, Paragraph C. 11.f of Section 5 requires a title insurance company to make the following notice to the consumer: "A closing protection letter is available to be issued to lenders, buyers and sellers"

Note 12: *C.R.S. §38-35-109 (2), 1973, requires that a notation of the purchaser's legal address, (not necessarily the same as the property address) be included on the face of the deed to be recorded.*

Note 13: Regulations of County Clerk and Recorder's offices require that all documents submitted for recording must contain a return address on the front page of every document being recorded.

Note 14: Pursuant to instrument recorded July 7, 1976 as Reception Number 401417 your property may or may not be in a Geological Hazard Area. It is the responsibility of the insured to make that determination. Note 14 only applies to properties in La Plata County.

Nothing herein contained will be deemed to obligate the company to provide any of the coverages referred to herein unless the above conditions are fully satisfied.



## Privacy Policy Statement

*This notice is being provided on behalf of Colorado Title & Closing Services; Affiliates: Colorado Land Title Co. Inc, CLX Exchange Accommodators Inc, Rocky Mountain Escrow Inc and La Plata Abstract Co. dba Colorado Abstract and Title Services. It describes how information about you is handled and the steps we take to protect your privacy. We call this information "customer data" or just "data". If your relationship with us ends, we will continue to handle data about you the same way we handle current customer data.*

### Protecting Customer Data

We will use our best efforts to ensure that no unauthorized parties have access to any of your information. We restrict access to customer data about you to those individuals and entities who need to know that information to provide products or services to you. We will use our best efforts to train and oversee our employees to ensure that your information will be handled responsibly and in accordance with our privacy policy. We require our employees to keep the data secure and confidential.

### Information We Collect

In the course of our business some of the customer data we collect may be nonpublic personal information about you from the following sources:

- Information we receive from you or your authorized representative on applications or other forms;
- Information about your transactions with us, our affiliates, or others;
- Information we receive from our internet web sites;
- Information we receive from the public records maintained by governmental entities that we either obtain directly from those entities, or from our affiliates or others;
- Information we receive from consumer or other reporting agencies; and
- Information from lenders and third parties involved in your transaction.

We maintain safeguards to protect your customer data from unauthorized access or intrusion. We limit access to your customer data only to those employees who need such access in connection with providing products or services to you or for other legitimate business purposes.

### Use of Information

We may provide your customer data to various individuals and companies, as permitted by law, without obtaining your prior authorization.

Disclosures may include, without limitation, the following:

- To our affiliates and/or successor in interest;
- To agents, brokers, lenders or representatives to provide you with services you have requested;
- To third-party contractors or service providers who provide services or perform marketing or other functions on our behalf;
- To others with whom we enter into joint marketing agreements for products or services that we believe you may find of interest; and
- To lenders, lien holders, judgment creditors, or other parties claiming an encumbrance or an interest in title whose claim or interest must be determined, settled, paid or released prior to a title or escrow closing.

We may also disclose data as permitted or required by law, for example:

- To law enforcement officials;
- In response to subpoenas or a government investigation;
- To regulators and the Insurance Companies we represent; or
- To prevent fraud.

### Links to Other Websites

Our websites contain links to websites that are provided and maintained by third parties and that are not subject to our Privacy Policy Statement. Please review the privacy policy statements on those websites. We make no representations concerning and are not responsible for any such third party websites or their privacy policies or practices.

### Changes to this Privacy Policy Statement

This Privacy Policy Statement may be amended from time to time consistent with applicable privacy laws. When we amend this Privacy Policy Statement, we will post a notice of such changes on our website. The effective date of the Privacy Policy Statement, as stated below, indicates the last time this Privacy Policy Statement was revised or materially changed.





**ALTA COMMITMENT FOR TITLE INSURANCE**  
issued by  
**WESTCOR LAND TITLE INSURANCE COMPANY**  
(ALTA Adopted 07-01-2021)

**NOTICE**

**IMPORTANT—READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.**

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY *SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACTIONAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.*

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS *COMMITMENT TO ANY OTHER PERSON.*

**COMMITMENT TO ISSUE POLICY**

Subject to the Notice; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and the Commitment Conditions, Westcor Land Title Insurance Company, a South Carolina Corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the *Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Amount of Insurance and the name of the Proposed Insured.*

If all of the Schedule B, Part I—Requirements have not been met within (6) months after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

**WESTCOR LAND TITLE INSURANCE COMPANY**

**Issued By:**

Colorado Title & Closing Services, LLC  
631 E. Main Street  
Cortez, CO 81321  
Phone: (970) 564-9770  
Fax: (970) 564-9769



By: Mary O'Donnell  
Mary O'Donnell - President

Attest: Donald A. Berube  
Donald A. Berube - Secretary

**As Agent**

*This page is only a part of a 2021 ALTA Commitment for Title Insurance. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions; and a signature by the Company or its issuing agent that may be in electronic form.*

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## COMMITMENT CONDITIONS

### 1. DEFINITIONS

- a. **"Discriminatory Covenant":** Any covenant, condition, restriction, or limitation that is unenforceable under applicable law because it illegally discriminates against a class of individuals based on personal characteristics such as race, color, religion, sex, sexual orientation, gender identity, familial status, disability, national origin, or other legally protected class.
- b. **"Knowledge" or "Known":** Actual knowledge or actual notice, but not constructive notice imparted by the Public Records.
- c. **"Land":** The land described in Item 5 of Schedule A and improvements located on that land that by State law constitute real property. The term "Land" does not include any property beyond that described in Schedule A, nor any right, title, interest, estate, or easement in any abutting street, road, avenue, alley, lane, right-of-way, body of water, or waterway, but does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
- d. **"Mortgage":** A mortgage, deed of trust, trust deed, security deed, or other real property security instrument, including one evidenced by electronic means authorized by law.
- e. **"Policy":** Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
- f. **"Proposed Amount of Insurance":** Each dollar amount specified in Schedule A as the Proposed Amount of Insurance of each Policy to be issued pursuant to this Commitment.
- g. **"Proposed Insured":** Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
- h. **"Public Records":** The recording or filing system established under State statutes in effect at the *Commitment Date under which a document must be recorded or filed to impart constructive notice of matters relating to the Title to a purchaser for value without Knowledge.* The term "Public Records" does not include any other recording or filing system, including any pertaining to environmental remediation or protection, planning, permitting, zoning, licensing, building, health, public safety, or national security matters.
- i. **"State":** The state or commonwealth of the United States within whose exterior boundaries the Land is located. The term "State" also includes the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, and Guam.
- j. **"Title":** The estate or interest in the Land identified in Item 3 of Schedule A.

2. If all of the Schedule B, Part I—Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.

3. The Company's liability and obligation is limited by and this Commitment is not valid without:

- a. the Notice;
- b. the Commitment to Issue Policy;
- c. the Commitment Conditions;
- d. Schedule A;
- e. Schedule B, Part I—Requirements; and
- f. Schedule B, Part II—Exceptions; and
- g. a signature by the Company or its issuing agent that may be in electronic form.

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AMERICAN  
LAND TITLE  
ASSOCIATION



**4. COMPANY'S RIGHT TO AMEND**

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the *Commitment Date*, **any liability of the Company is limited by Commitment Condition 5. The Company is not liable for any other amendment to this Commitment.**

**5. LIMITATIONS OF LIABILITY**

- a. The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
  - i. comply with the Schedule B, Part I—Requirements;
  - ii. eliminate, with the Company's written consent, any Schedule B, Part II—Exceptions; or
  - iii. acquire the Title or create the Mortgage covered by this Commitment.
- b. The Company is not liable under Commitment Condition 5.a. if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- c. *The Company is only liable under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.*
- d. The Company's liability does not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Condition 5.a. or the Proposed Amount of Insurance.
- e. The Company is not liable for the content of the Transaction Identification Data, if any.
- f. *The Company is not obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I—Requirements have been met to the satisfaction of the Company.*
- g. The Company's liability is further limited by the terms and provisions of the Policy to be issued to the Proposed Insured.

**6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT; CHOICE OF LAW AND CHOICE OF FORUM**

- a. Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- b. Any claim must be based in contract under the State law of the State where the Land is located and is restricted to the terms and provisions of this Commitment. Any litigation or other proceeding brought by the Proposed Insured against the Company must be filed only in a State or federal court having jurisdiction.
- c. This Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
- d. The deletion or modification of any Schedule B, Part II—Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
- e. Any amendment or endorsement to this Commitment must be in writing and authenticated by a *person authorized by the Company.*
- f. When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

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**7. IF THIS COMMITMENT IS ISSUED BY AN ISSUING AGENT**

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for closing, settlement, escrow, or *any other purpose*.

**8. PRO-FORMA POLICY**

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

**9. CLAIMS PROCEDURES**

This Commitment incorporates by reference all Conditions for making a claim in the Policy to be issued to the Proposed Insured. Commitment Condition 9 does not modify the limitations of liability in Commitment Conditions 5 and 6.

**10. CLASS ACTION**

**ALL CLAIMS AND DISPUTES ARISING OUT OF OR RELATING TO THIS COMMITMENT, INCLUDING ANY SERVICE OR OTHER MATTER IN CONNECTION WITH ISSUING THIS COMMITMENT, ANY BREACH OF A COMMITMENT PROVISION, OR ANY OTHER CLAIM OR DISPUTE ARISING OUT OF OR RELATING TO THE TRANSACTION GIVING RISE TO THIS COMMITMENT, MUST BE BROUGHT IN AN INDIVIDUAL CAPACITY. NO PARTY MAY SERVE AS PLAINTIFF, CLASS MEMBER, OR PARTICIPANT IN ANY CLASS OR REPRESENTATIVE PROCEEDING. ANY POLICY ISSUED PURSUANT TO THIS COMMITMENT WILL CONTAIN A CLASS ACTION CONDITION.**

**11. ARBITRATION**

The Policy contains an arbitration clause. All arbitrable matters when the Proposed Amount of Insurance is \$2,000,000 or less may be arbitrated at the election of either the Company or the Proposed Insured as the exclusive remedy of the parties. A Proposed Insured may review a copy of the arbitration rules at <http://www.alta.org/arbitration>.

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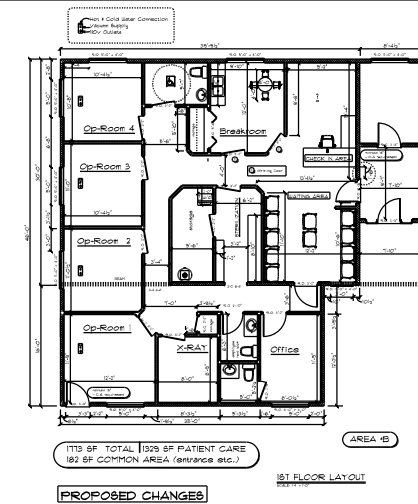
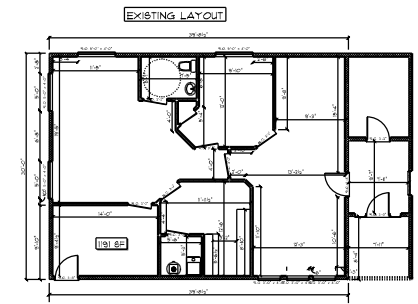




TOTAL BUILDING AREA	= 4748 S.F.
DENTAL OFFICE (E)	= 1130 S.F.
DENTAL OFFICE (NEW)	= 560 S.F.
OCCUPANCY LOAD	= 17
OCCUPANCY	Group B
CONSTRUCTION TYPE	VB
NUMBER OF STORIES	1
SPRINKLERED	NO

**SCOPE OF PROJECT :**  
 16X35' ADDITION  
 MINOR PARTITION CHANGES TO EXISTING  
 -2- NEW 1/2 BATHS  
 MINOR PLUMBING & ELECTRICAL REVISIONS

- 2015 INTERNATIONAL BUILDING CODE
- 2015 INTERNATIONAL PLUMBING CODE
- 2015 INTERNATIONAL FUEL GAS CODE
- 2015 INTERNATIONAL EXISTING BUILDING CODE
- 2015 INTERNATIONAL ENERGY EFFICIENCY CODE
- 2015 INTERNATIONAL PROPERTY MAINTENANCE CODE
- 2015 INTERNATIONAL FIRE CODE
- ANSI A117.1-2006 EDITION ACCESSIBLE AND USABLE BUILDINGS AND FACILITIES



**SHEET INDEX**

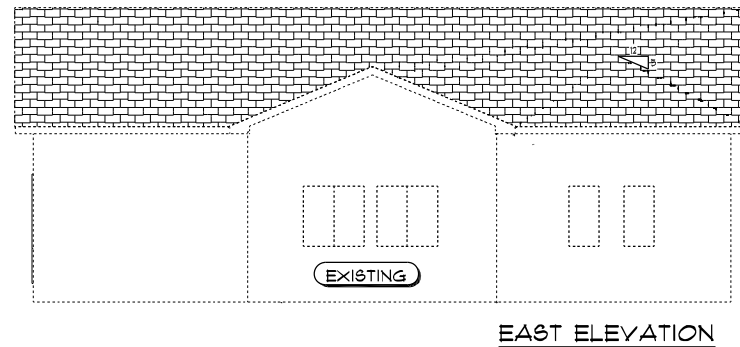
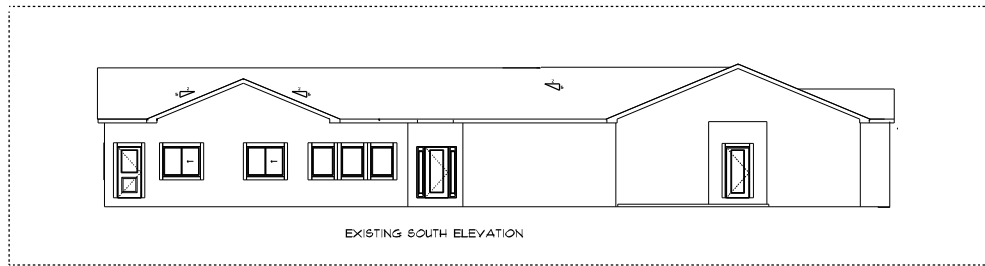
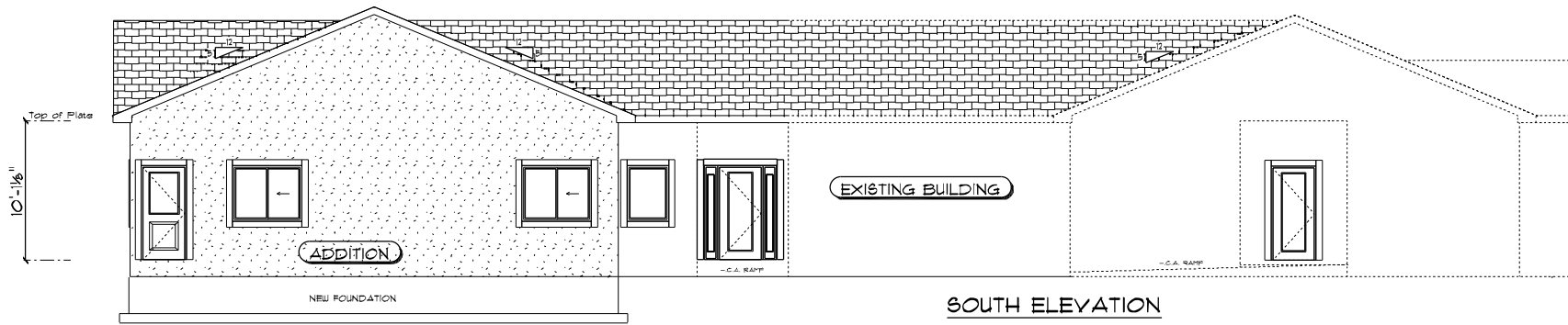
- PAGE 1 TITLE SHEET
- PAGE 2 & 3 EXTERIOR ELEVATIONS
- PAGE 4 FOUNDATION & LAYOUT
- PAGE 5 SITE LAYOUT

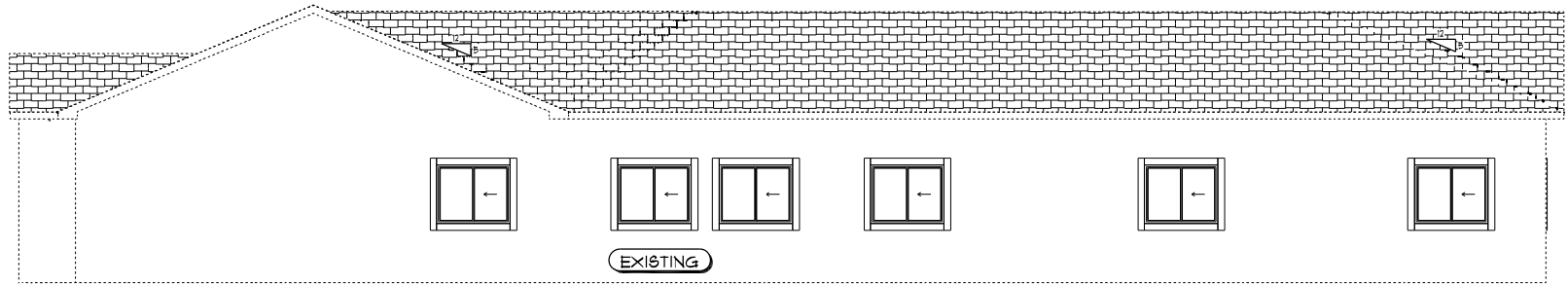
TITLE

Storys Drafting & Design LLC  
 2505 E Main St, Cortez Colo  
 970. 739. 9624  
 storysdrafting@live.com

**ARTER DENTAL BUILDING**  
 101 S MAPLE ST #A,B  
 CORTEZ COLO 81321

These general drawings are not produced by an Architect or Engineering firm. Before construction customer should consult a contractor or an architect to determine if these drawings need to be changed to satisfy: 1.) state or local building codes/regulations; 2) the projects structural requirements; or 3.) existing conditions specific to the site. Storys Drafting & Design, LLC assumes no responsibility for claims or damages arising from errors, omissions, deficiencies or defects for the drawings.

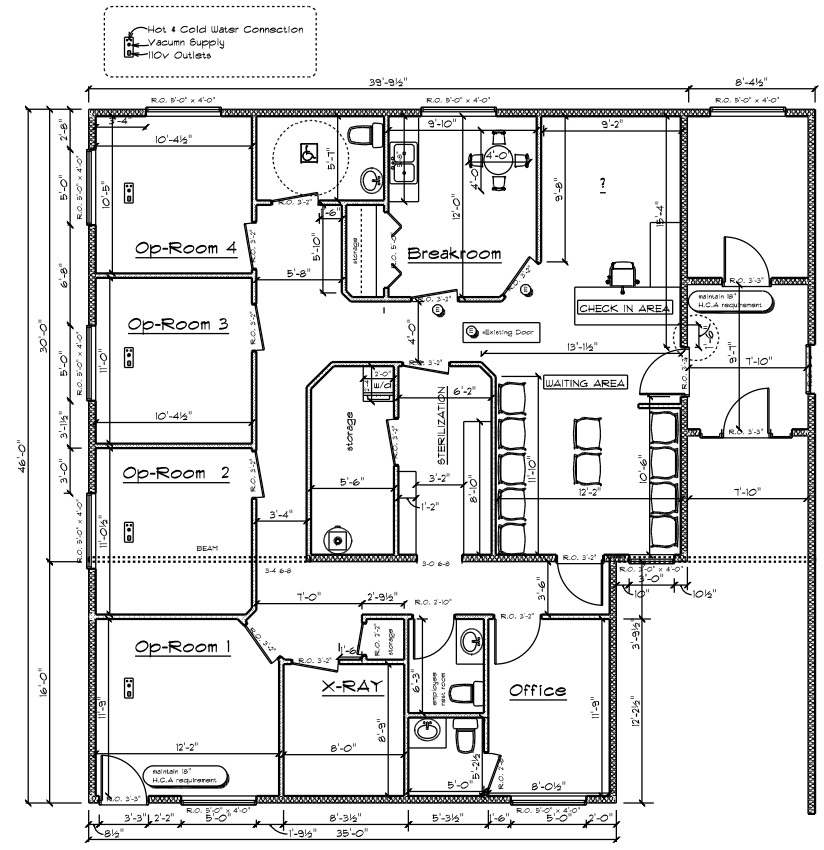
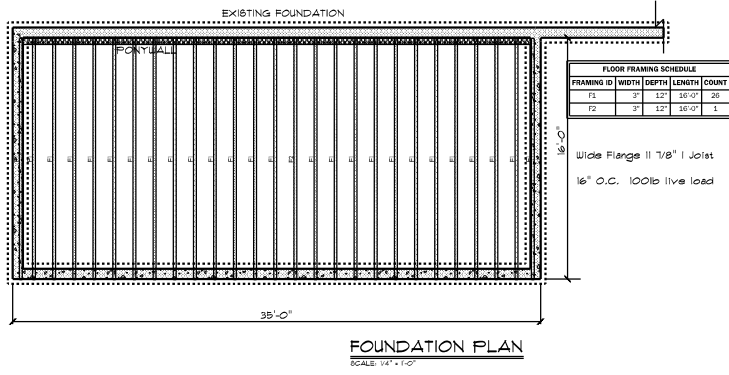
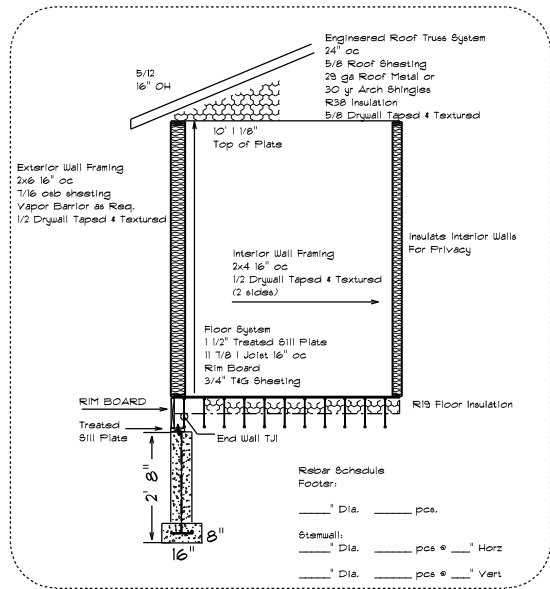




NORTH ELEVATION



WEST ELEVATION



**PROPOSED CHANGES**





CITY OF CORTEZ  
123 ROGER SMITH AVENUE  
CORTEZ, CO 81321

July 02, 2024

Agenda Item: 4. b.

MEMO TO: Planning and Zoning Commission

FROM: Cheryl Lindquist, Permit Technician/Deputy City Clerk

SUBJECT: **1880 Industrial Road, Site Plan Review:** As of the agenda posting deadline, this application remains incomplete and has been removed from the agenda.

---

**BACKGROUND**

Continued from June 4, 2024 Planning & Zoning Commission meeting.

**RECOMMENDATION**

Upon receiving completed application from owners, item will be rescheduled.

---



CITY OF CORTEZ  
123 ROGER SMITH AVENUE  
CORTEZ, CO 81321

July 02, 2024

Agenda Item: 7. a.

MEMO TO: Planning and Zoning Commission

FROM: Cheryl Lindquist, Permit Technician/Deputy City Clerk

SUBJECT: **Building Permits issued in June, 2024.**

---

**BACKGROUND**

None

**ISSUES**

None

**RECOMMENDATION**

Planning and Zoning Commission will review.

---

**Attachments**

June permits

Permit Type	Sub Type	Permit#	Address	Issue Date	
Building	Accessory Structure	B24-000096	311 North HENRY	06/26/2024	
<b>Building Total</b>	<b>Accessory Structure Total</b>				<b>1</b>
Building	Commercial Remodel	B24-000019	508 East MAIN Street	06/04/2024	
Building	Commercial Remodel	B24-000033	1 East MAIN Street	05/31/2024	
Building	Commercial Remodel	B24-000064	140 West 1st Street	05/30/2024	
<b>Building Total</b>	<b>Commercial Remodel Total</b>				<b>3</b>
Building	New Residential	B24-000085	434 Jarrett Avenue	06/12/2024	
<b>Building Total</b>	<b>New Residential Total</b>				<b>1</b>
Building	Other	B24-000086	517 South Beech Street	06/10/2024	
Building	Other	B24-000087	1300 East MAIN Street	06/04/2024	
Building	Other	B24-000090	601 North MILDRED Road	06/06/2024	
Building	Other	B24-000091	1546 Golf Course Lane	06/07/2024	
Building	Other	B24-000092	1103 BARRETT Street	06/24/2024	
<b>Building Total</b>	<b>Other Total</b>				<b>5</b>
<b>Building Total</b>					<b>10</b>
Burn Permit	Disposal	BRN24-000064	2305 La Plata Street	06/10/2024	
Burn Permit	Disposal	BRN24-000065	1317 Cottonwood Street	06/12/2024	
Burn Permit	Disposal	BRN24-000063	904 Alma Avenue	06/07/2024	
<b>Burn Permit Total</b>	<b>Disposal Total</b>				<b>3</b>
Burn Permit	Recreational Fire	BRN24-000062	18 West Andrew Lane	06/07/2024	
<b>Burn Permit Total</b>	<b>Recreational Fire Total</b>				<b>1</b>
<b>Burn Permit Total</b>					<b>4</b>
Land Use	Home Occupant Permit	LU24-000004	413 North Linden Street	05/30/2024	
<b>Land Use Total</b>	<b>Home Occupant Permit Total</b>				<b>1</b>
<b>Land Use Total</b>					<b>1</b>
Plumbing	Commercial	P24-000020	50 North Broadway	06/12/2024	
Plumbing	Commercial	P24-000018	44 East MAIN Street	06/26/2024	
Plumbing	Commercial	P24-000019	140 North Market	05/30/2024	
<b>Plumbing Total</b>	<b>Commercial Total</b>				<b>3</b>
<b>Plumbing Total</b>					<b>3</b>
Right of Way	Public Right-of-Way	ROW24-000043	901 Alma Avenue	06/13/2024	
Right of Way	Public Right-of-Way	ROW24-000044	830 East 3RD Street	06/13/2024	
Right of Way	Public Right-of-Way	ROW24-000045	Various	06/17/2024	
Right of Way	Public Right-of-Way	ROW24-000046	60 Cactus Street	06/17/2024	
Right of Way	Public Right-of-Way	ROW24-000047	620 West 7TH Street	06/18/2024	
Right of Way	Public Right-of-Way	ROW24-000042	Adams St., Montezuma Ave., Fillmore St., P	06/11/2024	
Right of Way	Public Right-of-Way	ROW24-000036	434 Jarrett Avenue	06/12/2024	
Right of Way	Public Right-of-Way	ROW24-000041	2418 FAIRWAY Drive	06/10/2024	
Right of Way	Public Right-of-Way	ROW24-000038	621 West 3RD Street	06/10/2024	
Right of Way	Public Right-of-Way	ROW24-000040	245 East Montezuma Avenue	06/10/2024	
<b>Right of Way Total</b>	<b>Public Right-of-Way Total</b>				<b>10</b>
<b>Right of Way Total</b>					<b>10</b>
Water Tap	3/4 inch	WT24-000014	318 East 2nd Street	06/10/2024	
Water Tap	3/4 inch	WT24-000013	901 Alma Avenue	06/11/2024	
Water Tap	3/4 inch	WT24-000012	434 Jarrett Avenue	06/12/2024	
<b>Water Tap Total</b>	<b>3/4 inch Total</b>				<b>3</b>
<b>Water Tap Total</b>					<b>3</b>
<b>All Permits Total</b>					<b>31</b>