

APPLICATION FOR LAND USE PERMIT



**Proposed Dayton, Little Annie, Mayzeppa, King South, King North,
Prince Edward,
Silverlink, and Cascade Lodes near Mile Marker 67 on Highway 550,
South of
Silverton, San Juan County, Colorado**

Applicants:

Lloyd & Esther Swartz
35 Canoncito Road, NE
Albuquerque, NM 87122
(505) 252-0915

Prepared By:

Lloyd & Esther Swartz
35 Canoncito Road, NE
Albuquerque, NM 87122
(505) 252-0915

Submitted:

August 27, 2019

August 27th, 2019

San Juan Regional Planning Commission
San Juan County Board of Commissioners
Attn: Willy Tookey
1557 Greene Street
Silverton, Colorado 81433

Subject: Application for Land Use Permit and Proposed Boundary Agreement for Dayton Lode M.S. 258 and Prince Edward, Little Annie, Mayzeppa, Portions of Copper Queen East of Hwy 550 and South King Lodes M.S. 15833. King Lode North, Silver Link Lode and Cascade Lode Claims M.S 15833, 2 Miles south of Silverton on Highway 550.

Dear Willy and Commissioners,

This submittal has been prepared to describe the proposed "Boundary Agreement" of the Little Annie, Mayzeppa, Prince Edward, King South, King North and Cascade Lode claims which are owned by Lloyd and Esther Swartz which are located East of Highway 550 below the road on benches.

The applicants plan to adjust boundaries on 6 of 8 claims, however this will not result in any additional parcels. The project is considered a "Boundary Agreement" as defined by State Statues, because the total number of parcels is not increasing. Boundary adjustments are proposed to improve the future Prince Edward build site as well as assure other parcels have clear sites to recreate or build on should any future owners decide to that are not problematic or violate San Juan County planning guidelines.

This application is also for a Land Use Permit. The applicants are required to obtain a County Land Use Permit because they plan to remove dead trees construct roads and driveways removing trees as necessary.

Upon approval of the "Boundary Agreement" the project surveyors will file a new survey plat depicting the interior new property boundary lines at the courthouse. Additionally, road and driveway work as well as forest management will begin immediately before snow precludes further work in 2019. Upon completion ROW documents will be filed so all future claim owners will have legal ROW access. It is estimated that a 2300sqft log cabin will be proposed separately for construction within 3 years. On the Prince Edward as a year around accessible cabin.

We are submitting 14 copies of this submittal booklet to Willy Tookey, and one copy directly to County Road and Bridge Supervisor Louie Girodo. The applicants request review of this project by the Planning commission in 21 days on September 17th, 2019.

Thank you for the opportunity to present this information to the San Juan Planning commission and Board of County Commissioners and helping to make our dream of retiring in San Juan County come true. Please contact Lloyd Swartz if you have any questions.

Sincerely,

Lloyd Swartz 505-252-0915
Esther Swartz 505-449-8883

35 Canoncito RD NE
Albuquerque NM, 87122

Attachments for Willy Tookey with 14 Booklets for Staff/Commissioners

Pre-stamped Pre-Addressed Envelopes for Adjacent Land Owners

Receipt from Country Treasurer for 350.00 Boundary Agreement Application Fee

Receipt from County Treasurer for 250.00 Land Use Permit Application Fee

San Juan County Application for Land Use Permit

Attachments for Louie Girodo with 1 Booklet for Road and Bridge Department

San Juan County Driveway and Road Access Permit

San Juan County Relationship to County Road and State Highway System Form

Swartz Application for Land Use Permit

And

Proposed Boundary Agreements

Dayton Lode M.S. 258 and Prince Edward, Little Annie, Mayzeppa, Portions of Copper Queen East of Hwy 550 and South King Lodes M.S. 15833. King Lode North, Silver Link Lode and Cascade Lode Claims M.S 15833.

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- 11. Boundary Agreement Site Plan with Topography**

Attachment A: Avalanche Atlas Maps

Attachment B: Future Prince Edward Build Site Photos

Attachment C: Wildfire Risk Map

LAND USE PERMIT
San Juan County, Colorado

Applicant: Lloyd and Esther Swartz	Permit No.
Address: 35 Canoncito Rd NE	
City and State: Albuquerque, NM 87122	Telephone: 505-252-0915

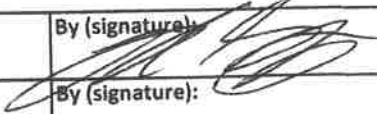
Description of Use:
Establish 2 sections of road to connect to approved Highway 550 access. Maintain existing roads, thin overgrown and dead trees, plan for future cabin on prince Edward claim and camp on property occasionally until cabin is built.

Dates and Times of Use:
Road & Forest management to begin immediately after approval

Location of Use:
8 mining claims 2 miles south of Silverton on Hwy 550

Areas of Concern: Applicant should provide attachments for each relevant area
Land Use Administrator will initial approval if appropriate

- | | |
|--------------------------|-------------------------------------|
| Property Ownership _____ | Permission of Property Owner _____ |
| Vicinity Map _____ | Plans and Drawings _____ |
| Natural Hazards _____ | Zoning Compatibility _____ |
| Sanitation _____ | Environmental Impacts _____ |
| Building Permit _____ | Federal and /or State Permits _____ |
| Security _____ | Emergency Services _____ |
| Parking _____ | insurance Coverage _____ |
| Clean Up _____ | County Road Impact _____ |
| Other _____ | Other _____ |

Date Application Submitted: 8/27/19	By (signature): 
Date Permit Issued:	By (signature):
Conditions	
Acceptance of Conditions:	By (signature):

WARRANTY DEED

THIS DEED, Made this 8th Day of August, 2019

Between THE TRUST OF GEORGE T. AND CATERINA MARSH DATED MARCH 11, 1990, AS AMENDED
and GEORGE T. MARSH IV

of the County of La Plata and State of Colorado, grantor

and LLOYD O. SWARTZ and ESTHER M. SWARTZ

whose legal address is 35 Canoncito Rd. NE, Albuquerque, NM 87122

of the County of Bernalillo and State of New Mexico, grantee

WITNESSETH, That the grantor for and in consideration of the sum of
-----TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION-----
the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents
does grant, bargain, sell, convey and confirm, unto the grantee, their heirs and assigns forever, not in tenancy in common but in
joint tenancy, all the real property together with improvements, if any, situate, lying and being in the County of San Juan and
State of Colorado described as follows:

KING LODE, U.S. Mineral Survey No. 15833, SILVER LINK LODE, U.S. Mineral Survey No. 15833 and
CASCADE LODE, U.S. Mineral Survey No. 15833, Animas Mining District, San Juan County,
Colorado.

LESS AND EXCEPT that portion of said Silver Link Lode, U.S. Mineral Survey No. 15833 lying within
the boundaries of the Mayzeppa Lode, U.S. Mineral Survey No. 15833, lying East of Highway 550 and
the South 923 feet of said King Lode, U.S. Mineral Survey No. 15833.

ALSO LESS AND EXCEPT that portion of the King Lode, U.S. Mineral Survey No. 15833 which
overlaps the Mayzeppa Lode, U.S. Mineral Survey No. 15833.

ALSO LESS AND EXCEPT any portion of the above named mining claim(s), within overlapping senior
mining claims whether excepted or not in the patent for the above described King, Silver Link and
Cascade Lode Mining Claims.

As known by street and number as: SilverLink HWY 550, Silverton, CO 81433

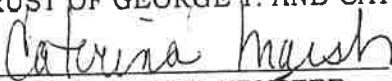
TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining,
and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right,
title, interest, claim and demand whatsoever of the grantor either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


TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the
grantee, their heirs and assigns forever. The grantor, itself, its successors, does covenant, grant, bargain, and agree to and with
the grantee, their heirs and assigns, that at the time of the ensembling and delivery of these presents, he is well seized of the
premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has
good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and
that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and
restrictions of whatever kind or nature so ever, except: 2019 taxes due and payable in the year 2020. Subject to
Statutory Exceptions as defined in CRS § 38-30-113(5).

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

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

THE TRUST OF GEORGE T. AND CATERINA MARSH DATED MARCH 11, 1990, AS AMENDED


BY: CATERINA MARSH, TRUSTEE


GEORGE T. MARSH IV

E RECORDED DATE 10/18/18
COUNTY San Juan
REC. NO. 152025

WARRANTY DEED

THIS DEED, Made this 18th Day of October, 2018
Between THE CRAIG R. AND MARTHA P. GASKILL REVOCABLE TRUST

of the County of Jefferson and State of Colorado , grantor
and LLOYD O. SWARTZ and ESTHER M. SWARTZ

whose legal address is 35 Canoncito Road NE
Albuquerque, NM 87122

of the County of Bernalillo and State of New Mexico, grantee

State Documentary Fee

Date: October 18, 2018

\$ 330

WITNESSETH, That the grantor for and in consideration of the sum of

-----TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION-----
the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the grantee, his heirs and assigns forever, not in tenancy in common but in joint tenancy, all the real property together with improvements, if any, situate, lying and being in the County of San Juan and State of Colorado described as follows:

The DAYTON LODGE Mining Claim U.S. Survey No. 258, Animas Mining District, according to the United States Patent of record.

LESS AND EXCEPT that portion of the above named mining claim, if any, within overlapping mining claims.

As known by street and number as: TBD US HWY 550
Silverton, CO 81433

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

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantees, his heirs and assigns forever. And the grantor, for himself, his heirs, and personal representatives, does covenant, grant, bargain, and agree to and with the grantee, his heirs and assigns, that at the time of the ensembling and delivery of these presents, he is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature so ever, except: Subject to easements, rights of way, restrictions and reservations of record; all oil, gas, coal and other mineral rights that have been reserved or conveyed by predecessors in title and any assignments thereof; inclusions of the property within any special taxing district; building and zoning regulations; 2018 taxes due and payable in the year 2019; those specifically described rights of third parties not shown by the public records of which Grantee has actual knowledge and which were accepted by Grantee; and any other matters reflected by the Title Documents accepted by Grantee in accordance with Subsection 8 of the Real Estate Contract.

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

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

THE CRAIG R. AND MARTHA P. GASKILL REVOCABLE TRUST

BY: Craig R. Gaskill
CRAIG R. GASKILL, TRUSTEE

BY: Martha P. Gaskill
MARTHA P. GASKILL, TRUSTEE



3521803480

Karla Brior
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20014011569
MY COMMISSION EXPIRES 04/19/21

WARRANTY DEED

THIS DEED, Made this 6th day of August, 2019

Between **COLTON TYREL PUCKETT**

of the County of Collin and State of Texas, grantor

and **LLOYD O. SWARTZ and ESTHER M. SWARTZ**

whose legal address is 35 Canoncito Rd. NE
Albuquerque, NM 87122

of the County of Bernalillo and State of New Mexico, grantee

WITNESSETH, That the grantor for and in consideration of the sum of

-----**TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION**-----

the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the grantee, their heirs and assigns forever, not in tenancy in common but in joint tenancy, all the real property together with improvements, if any, situate, lying and being in the County of San Juan and State of Colorado described as follows:

PRINCE EDWARD and LITTLE ANNIE LODES, Mineral Survey No. 15833 and that portion of the COPPER QUEEN LODE and MAYZEPPA LODE, Mineral Survey No. 15833, lying East of U. S. Highway No. 550; ALSO that portion of the SILVER LINK, Mineral Survey No. 15833, lying within the boundaries of the MAYZEPPA LODE, lying East of U. S. Highway No. 550; and ALSO the South 923 feet of the KING LODE, Mineral Survey No. 15833. All of the above within in the Animas Mining District, County of San Juan, State of Colorado, and as described in U. S. Patent of record.

LESS AND EXCEPT any portion of the above named mining claim(s), within overlapping senior mining claims whether excepted or not in the patent for the above described Prince Edward, Little Annie, Copper Queen, Mayzeppa, Silver Link and King Lode Mining Claims, including but not limited to that portion of the Little Annie lying and being within the Dayton Lode Mineral Survey No. 258.

TOGETHER WITH BUT WITHOUT WARRANTY OF TITLE any & all water rights appurtenant to the above described property but not limited to the water as declared in Colorado District Court, Division 7, Case Number 10CW79 (04CW2)

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

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantee, their heirs and assigns forever. The grantor, himself, his heirs and personal representative(s), does covenant, grant, bargain, and agree to and with the grantee, their heirs and assigns, that at the time of the enscaling and delivery of these presents, he is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature so ever, except: 2019 taxes due and payable in the year 2020. Subject to Statutory Exceptions as defined in CRS § 38-30-113(5).

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

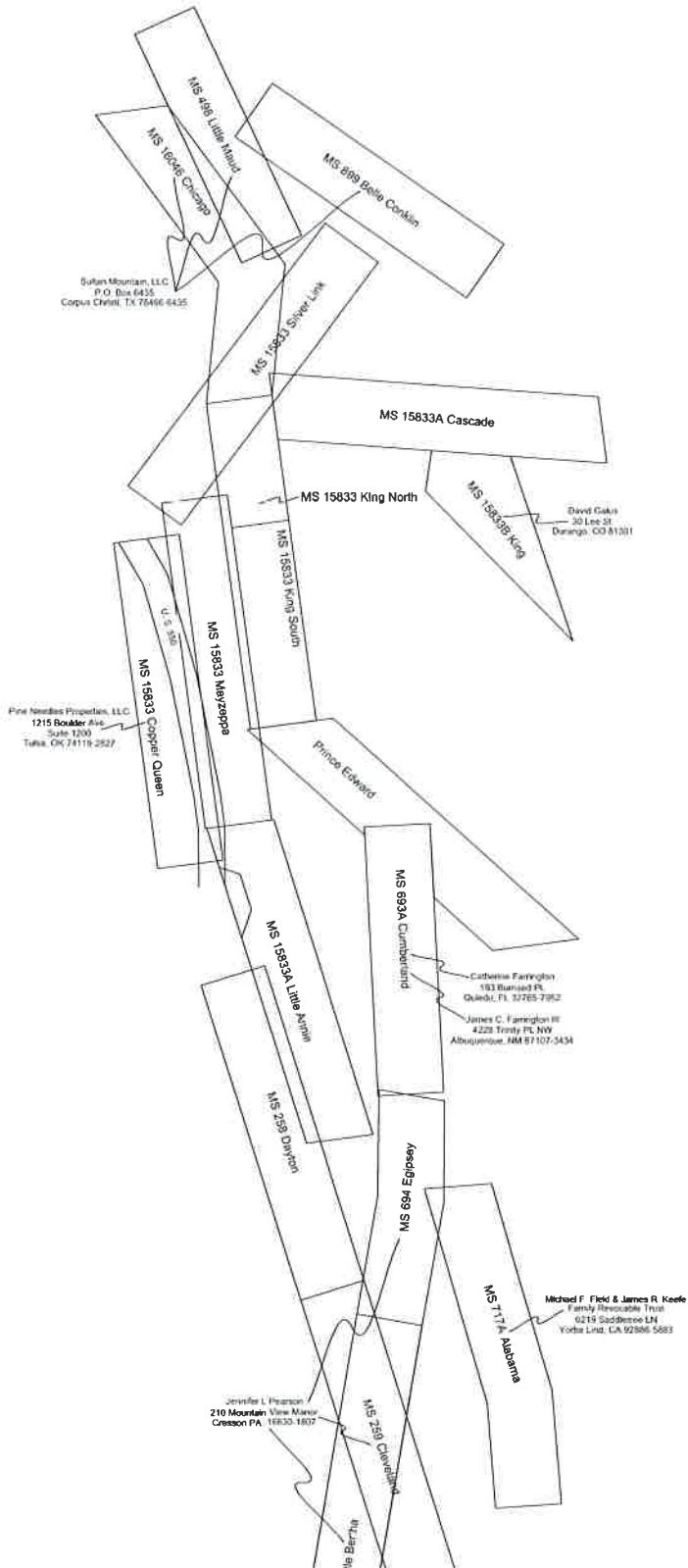
IN WITNESS WHEREOF, the grantor has executed this deed on the date set forth above.


COLTON TYREL PUCKETT

COPY

Adjoiners Map

Suspended, Township 41 North, Range 7 West, of the New Mexico Principal Meridian
San Juan County, Colorado



BASES OF BEARING:
Line 34 of the Link-Anno, MS 15833
is assumed to bear S. 17°31' 36" E. and
is monumented as shown. All
other bearings are relative thereto.

LIST OF ADJACENT LAND OWNERS
Proposed Swartz Boundary Agreement

Adjacent Land Owners

Property

Kenneth & Janet Peterson Trust
15501 Crest Drive
Burnsville, MN 55306

Los Animas

Pine Needle Properties, LLC
1215 S Boulder Ave
Tulsa, OK 74119

Copper Queen
Mayzeppa

Mack C., JR & Marie Louise Milner
PO Box 78611
Burnet, TX 78611

Los Animas

David Galus
30 Lee Street
Durango, CO 81301

King Mill Site

Sultan Mountain, LLC
Box 6435
Corpus Christi, TX 78466

WINTHROP, ALETHA , AVALANCHE , PO
BLUE JAY , BRYAN , CHAMPION,
CHAMPION #2 , CHIEF, COCKTAIL,
COOK, A CROWN POINT, EMBLEM,
EMPIRE , A EMPIRE M S , B EMPIRE
TUNNEL , A EXCELSIOR , A FAIRVIEW ,
FLORENCE R, FRACTION , GLADSTONE ,
GREAT CENTRAL, GREAT REPUBLIC , A
GREAT REPUBLIC S , B HAWK EYE ,
HERCULES , A HERCULES M S , B IDA
THE MAID , JENNIE PARKER, JUSTICE,
LITTLE DORA , LITTLE MOLLIE ,
MELVILLE M S, NEGLECTED , IMPS
NORTH STAR , OREGON , PI , PRESIDENT
, SEAL , SILVERTON PARK , A SILVERTON
PARK M S , B SMITH, A SMITH M S-B
LESS SURFACE RIGHTS STADACONDA,
STATE STREET , TELLER , TUSCARORA,
VICTORIA , A VICTORIA M S , B WATER
WITCH , WHITMAN M S

LIST OF ADJACENT LAND OWNERS
Proposed Swartz Boundary Agreement, Cont.

Adjacent Land Owners

Property

Catherine Farrington
193 Bumsed Place
Quiedo, FL 32765

Cumberland

Michael Field and James Keefe Family Revoc. Trust
6219 Saddeltree Lane
Yorba Linda, CA 92866

Alabama

Jennifer L. Pearson
210 Mountain View Manor
Cresson, PA 16630

Cleveland
Little Bertha

Project Narrative

Proposed Boundary Agreement and Driveway Improvements

Owner/ Applicant Name: Lloyd and Esther Swartz of Albuquerque NM

Project Location:

Dayton Lode M.S. 258 Parcel 48290000010162; Prince Edward, Little Annie, Mayzeppa, Portions of Copper Queen East of Hwy 550 and South King Lodes M.S. 15833, Parcel 448290000010491; and King Lode North, Silver Link Lode and Cascade Lode Claims M.S, 15833, Parcel 48290000010490. In total 8 mining claims purchased from 3 separate owners. Location is adjacent to Highway 550, on the East or Lower Side of the highway at approximately 2 Miles from Silverton climbing Molas Pass. There is currently a home on the West Side of the highway on that portion of the Copper Queen. CDOT access to these properties is approximately 350' North of the Copper Queen Home, towards Silverton. Proposed Emergency Egress via Power Line right of way is approximately 3,000' North towards Silverton across from the waterfall pull out. Parcels are within San Juan County, Colorado.

County, Township 41 North, Range 7 West in Sections 29, 30, 31 and 32.

Elevation: Subject property varies from 10,100' to 10,200' with the Prince Edward build site at 10,100' approximately.

Overview and History of Project.

The applicants to this land use permit have been looking for an opportunity to purchase land in San Juan County for approximately 25 years. During this time needs and desires changed, eventually deciding more recently that we wanted to retire in San Juan County. This then meant, we needed something with year around access, and the ability to remove snow. Given the avalanche hazards, view shed concerns, and lack of locations with roads that would be reasonable or allowable to plow proved to be a challenge.

In October 2018 we purchased the Dayton mining claim after discovering its location off of Highway 550 just outside of Silverton and while cars whiz by at 30 MPH, the Animas side of Hwy 550 in this area appears to be nothing more than a forested cliff face. Literally, from the highway you see nothing. However, it turned out the land below the highway had relatively flat benches. This tends to surprise even the most seasoned San Juan County residents. We began to plan development and right of way access petitions to the BLM and CDOT. However, by luck an early 2018 snow season stopped survey work.

In June 2019, 4 adjoining mining claims (The Mazeppa group) with already established, legal CDOT access became available for sale. While visiting these claims we learned another land owner was ready to sell with claims that were below, and within the same area on the bench

and could be easily be connected with a short new road, but without any current, legal access. On August 8, 2019 we completed the purchase of these additional claims.

It must be stated that we have no intentions of holding on to 7 of the claims. While it may seem expensive to purchase 8 mining claims to build on one, there are some valid reasons beyond simply profiting from re-selling them with legal access. For example, we were planning for our own access road across 1500' of virgin forest with a ROW from the BLM and a new CDOT access permit. At the same time the owner of the lower claims, Silver Link, King North and Cascade was contemplating his own access point options.

By purchasing all 8 claims;

- We were able to eliminate any new access points to highway 550.
- We were able to avoid any new roads across virgin forest on public lands.
- We are able to establish single point access and legal right of ways to every usable claim in the area avoiding future access issues.
- We are able to have a single Land Use Permit to establish roads and make practical adjustments to boundaries instead of potentially 8, saving local government time and resources.
- All properties will have access sufficient for recreational use, forest management and planning.
- We were able to design well thought out roads and driveway access to each claim at once, minimizing impacts to the wilderness, historical structures and view sheds.
- Establish rare, *YEAR AROUND* accessible properties that are more financially beneficial to the community then back country properties that are in-accessible for 6 months or more of the year.
- An emergency egress route to be tied in to service all 8 claims in case of emergency.

Overall Community Benefits:

There continues to be a struggle to “survive”, let alone thrive as a community in San Juan County. Growth while keeping the communities appeal as it exists remains a great challenge and will likely require additional thinking outside the typical areas of Mining, Low Dollar Tourism jobs, and ski areas. Re-guard less there will be a need for additional construction of housing for any growth to occur. And given the vast amount of public lands mixed with geological hazards that growth will be limited naturally, forever. Already summer holidays, one of the modern success stories, has seen large growth with dwindling lodging and vacation rental options. Not to mention camping congestion close into Silverton.

Our future plan is to add our new home in the short term as a vacation rental to help pay for its self if allowable, which will for some time help meet this demand. Long term we plan to retire on this property, which also meets the needs of the community by providing year around residence that supports local businesses. Applicants are seasoned back country, off-grid,

mountain residents who have lived in the high country of New Mexico and Colorado most of our lives.

Additionally, our property lies within the 2019 Silverton Trail plan Area 13, which we believe an important connection route proposed for Snow Mobiles, ATVS, Dirt Bikes and Back Packers needing supplies from town as well as also providing access to the snow mobile area and at large BLM camping. We not only support this project, but would remove our private property as an area of concern if it made sense for the trail connection to cross, and could provide a VERY large amount of road needed for this connection, including one half of the new proposed construction. Additionally, we would volunteer time and potentially equipment hours to help make this happen, if it ever becomes a reality.

Quite possibly, the most important benefit to this project is a new tax paying home in San Juan county that is *YEAR AROUND ACCESSIBLE*. That cannot be emphasized enough as most other back country locations are simply resulting in homes with roads that are not plowed and may never be feasible to plow or access by any means in the winter. This means, these homes are only occupied a few weeks or months of the year. Our future home will be accessed via a plowed highway and a private road with active snow removal once our home is built and occupied providing financial benefits to local businesses and sales tax revenue throughout the year.

Proposed Development:

Proposed Boundary Agreement to adjust property boundaries to Little Annie, Mayzeppa, Prince Edward, King South, King North and Cascade. Proposed boundary adjustments will **NOT** increase the number of parcels. There are currently 8, and there will be 8 after adjustments. Driveway and community road improvements would begin Fall of 2019. There are no structures being proposed at this time.

Reasoning for Boundary Adjustments:

Boundary adjustments are being made in order to;

- Improve our own build site on the Prince Edward, including the ability to move further back from any possible view points from Deer Park and neighboring properties. As well as allow for easier septic install due to rock.
- Improve the Mayzeppa potential build site so that a home can be built if so desired below the ridgeline and *away from highway 550*.
- To allow for legal access and a conforming build site for the Cascade if someone ever chose to build on this claim. Without a boundary adjustment, this claim would *definitely not* meet San Juan County planning standards due to view shed issues. (only one of the 8 with a serious problem)
- To assure that future owners of the King South and King North claims have the minimum required 5 acres to utilize for cabin construction if so desired.
- To generally avoid difficulties between San Juan County Planning Commission and

future land owners.

Future Improvements:

Immediate plans include improving and grading as needed, the existing network of old mine roads across these 8 parcels as well as installing 2 sections of new road to connect all the properties together and to a single point, legal access on highway 550. Roads across claims will be filed as ROW's for future owners. Approximately 1,000 feet of new road will be created in 2 locations. Several un-needed road sections to abandoned mines and a mill, will be abandoned or no longer maintained. The standard for all new roads is to be passable for a heavy, straight truck to assist in construction of our future Prince Edward Home, as well as allow for emergency vehicle access to all properties.

Road alignments are laid out as to be screened from view from Highway 550.

A significant, ongoing effort will be made to remove dead and dying tree's resulting from over growth of the forest and past beetle infestation across the property.

Tree removal will be well thought out, taking advantage of over grown road beds or paths with the least amount of tree removal possible. Owners wish to keep the land appearance as natural as possible. Tree removal will not be in view of other visitors to San Juan County other then a few small ones immediately below Highway 550 at the access point.

It is anticipated a single-family residence/ Log cabin designed and built by Great Land log homes in Gunnison, will be proposed for construction on the Prince Edward Claim within 3 years. The proposed building envelope is shown on maps for this proposal primarily to assist in the understanding of this project, with knowledge structure construction will require a future improvement permit.

Mandatory participation or sharing of cost in ROW road maintenance will be included in deeds of sold parcels in the future to insure safe, continuously maintained ROW roads.

Zoning: Mountain

Mining District: Animas

Septic Service:

At this time, there are no proposed septic systems. In the future, a septic system for the Prince Edward home site will be designed according to San Juan Basin Health Department (SJBH) specifications by a Colorado licensed engineer. As required by SJBH, the septic system will be designed in accordance site specific per rate for the number of bedrooms. It is anticipated that SJBH will require the Septic to be engineered.

Access:

Access to the site is currently provided by 2 points from Highway 550 via existing driveway entrances. One that falls under CDOT Access permit #5010137 for a maximum of one, future, single family residence on Prince Edward, Mayzeppa, Little Annie and King Load North. A letter amending this permit is in the process of being issued at the time of this application and adds one future, single family residence for the Dayton, King South, Cascade and Silver Link. See attached copies of permit and amendment letter. This single point access now covers any "useful" claims in this area. (any others are on near vertical slopes along the Animas Gorge and not practical for camping or future cabin development). There are no County Roads accessing properties in this area. Year around access is available from Highway 550.

Water Service:

No improvements related to water are proposed at this time. A well for the Prince Edward Cabin will be installed in the future under permit by the state. Surface water rights exist for 4 of the claims but will be passed along when re-sold.

Electrical Service:

No plans to add electrical service to these properties at this time. It is likely the future, Single Family Home will be "Off Grid" as the adjacent power lines are "High Voltage" distribution lines and power delivery from these is not possible. Thankfully, Solar power has become increasingly efficient and practical. A connection to a sub-station could be explored in the future if other area home owners wished to pool resources. Owners current home in Albuquerque is 100% off-grid as well.

Historic Structures:

There are no historic structures of significance on the property, nor any public accessible structures. However, there are 2 ore shoots, some log cabin ruins and many numerous mines, many of which have been under assault by government agencies, even as far as using dynamite to destroy historical elements. This will not be tolerated any longer and historical structures and mines will not be compromised in any way under our stewardship. Only gates that can be opened and allow for Bat habitation will be allowed for mine entrances. There are no historic structures of any kind on the Prince Edward build site. Existing structures such as Ore Shoots and mines are along existing roads and new road construction and tree removal will not affect any structures.

Tree Clearing:

The extensive, existing road network will see minimal tree removal focused primarily on dead trees that regularly fall across roads and some trees that have grown up close to the roads over the years narrowing the roads too far in places.

Trees will be cleared as needed to establish approximately 2,000' of new road across the claims. Road locations have been selected to minimize tree removal when ever possible.

Surveying:

The Original Survey for the Mayzeppa, King South and North, and Little Annie were prepared and filed by DD Land Surveying in 2015. Surveys of the Dayton, Silver Link and Cascade were completed in 2019 by Southwest Land Surveying also completed the Boundary adjustment's survey. After county approval of this proposed Boundary agreement the County/ Project Surveyors Kenny and Earnye Schaff will be submitting a new Survey Plat to filed at the County Court House.

Subsurface Conditions:

Subject mining claims lie on flat benches of granite that is exposed in many places with top soil that varies in depth from 0-20' approximately. There are no known Geologic Hazards with in these 8 mining claims. Property is high, relatively flat and has no snow or rock slide areas nor is there any threat of flooding at 1500' above the river.

Wildfire Analyses:

Wildfire is a serious concern in any wildlands interface, with the problem of wildfire growing for numerous reasons. However, at the generally high elevation and wet nature of San Juan County combined with regular tree less fire breaks leads to limited, and small acreage fires, primarily as a result of lightening. As a contrast to dangerous conditions in nearby La Plata county.

Writer of this proposal and specifications did not have access to planning department excepted wildfire analyses publications. However, as of 2017 the Colorado State Forest service utilizes an updated portal that is extremely detailed. The subject property falls into primarily the lowest level of fire danger mapped, level 1. With small amounts of level 2. Nothing higher anywhere close.

Taking a close up look at the property, it sits between 2 giant fire breaks, the Animas river Canyon and Highway. Think of this as an Island, with valleys for firebreaks north and south as well. This means, a fire almost certainly would have to start on the property itself, and have little room to burn.

The San Juan County fire department is under 3 miles via State Highway to subject property, so fire protection and response is adequate. Access roads will be un-paved but accessible to any vehicle.

Given that fire behavior tends to climb mountains more than anything, the likely hood of a fire climbing the cliff above the river with extremely limited vegetation is not likely. Also, the ability to stop the fire would likely not be difficult.

Adjacent forest conditions are important in this analysis. Given the significance of the Animas river and other fire breaks a fire starting from outside of the "Island" would likely come from across Highway. The likely source could be an abandoned campfire as this is an "At Large" BLM campground. The forest conditions with in this area thankfully appear to sync with the wildfire Risk Assessment map as being extremely low. The forest is well thinned in most areas and heavy camper usage means little downed or dead wood or even standing dead trees. Significant meadows exist as well for natural fire breaks.

For the subject property the forest is generally healthy, however "The Island" is certainly more forested then the opposite side of Hwy 550, and in some places over grown from lack of management. The following pre-cautions will be utilized in construction;

- Create fire breaks around the future Prince Edward home on all sides, particularly 3 forest sides.
- Bury propane tank.
- Utilize fire resistant home construction including Logs which are of the highest fire rating and metal roofing.
- Thin property and remove excessive dead trees.
- Create firebreak roads on property with fire protection access.
- Maintain defensible zones for future structures.
- Utilize removed trees for firewood.
- Utilize "smart" remote monitoring fire detectors.
- Maintain access to lower emergency egress route via power line road.

See Attachment C Wildfire Risk Map

Avalanche Hazard:

San Juan County has a rich history of avalanche danger, not to be taken lightly when planning a residence, with 2019 demonstrating just how powerful they can be in particular. In the case of the subject mining claims;

- They lie on a flat bench above the Animas River across highway 550, and 7 sites are far from any avalanche threat.
- The nearest mapped slide is Cataract or King (#146 In Atlas), #122 on Avalanche Mapping.org, Red Mtn, for which all but 2 build sites are 750'-3650' horizontally off set from slide. *See Avalanche Maps Attachment A*
- The Silver Link build site is the closest and sits a comfortable distance of approximately 150' off set from the King Slide. Note; Silver Link mine shaft is shown on avalanche

map which is some distance up hill and closer to slide. However, avalanche map shows shaft well out of the danger zone. Additionally, power lines and 100+ year old historic structures exist along with old growth trees between build site and King slide.

Avalanche map proximity betrays just how difficult it would be for an avalanche to reach this claim.

- Power Line access Road across slide to lower claims is in serviceable condition with no trees or boulders blocking it from slides, indicating an inactive slide at this location. It is unlikely road work has been conducted on any regular basis here.
- The nearest other mappable slide on Google Earth is approximately 1700' away. (Coming off Grand Turk and tied into King slide on maps now) Current location of high-tension power lines are set out of avalanche hazard on the West side of Hwy 550.
- There is more than 2500' of flat run out for any slide off of Grand Turk before property. Ground based observations of terrain verify there is no chance of a slide reaching Ravens Nest building sites. Tracing 5, 30, and 100 year run outs was quite easy.
- At the base of Grand Turk there are large, old growth trees running along the entire distance above the subject property and there is no observable recent slide damage between the base of the mountain and the West side of the highway. There is an existing home on the West side of 550 as well that has been in place for a long time.
- There are no field observable avalanche damages on East Side of Highway within the entire subject properties.
- The overlay of the Instaar maps shows that the majority of all the subject claims including the future proposed build site on the Prince Edward site "just above" the dotted areas along the Animas Valley depicting slides **DOWN** into the valley **BELOW** our property. While the Prince Edward does continue into the possible avalanche zone the building envelope is above this area. Should any future owners propose construction on the Silver Link or Cascade there are safe, buildable sites outside of any avalanche hazard that could be approved.

View Shed:

In some areas of San Juan county view shed impacts can have a negative effect on the environment for visitors. This location was partially chosen because realistically, it has none. Overall building locations are simply too far away from any customarily visited location to be seen without a serious effort and should any future buildings be viewed, the type of construction may be dictated by the San Juan County planning commission at the time of building application permit submission. For our own future home on the Prince Edward, we plan to use the style of rustic log cabin, corten metal and some stone will serve to blend the home in, and reduce reflective surfaces as to be non-offensive to a wilderness visitor.

Potential view point locations analyzed for the Prince Edward Build site;

- Highway 550 -- See attached photos of Prince Edward build site for reference. Simply too many trees to see buildings at all. Even if build site was next to highway it would be very

difficult to view. However, some 500' plus away it is simply not possible.

- Durango to Silverton Railroad and Animas River – Railroad is 2,000' away down a sloped mountain of 1,500' in elevation. Home site is set back from the property line and ridge line with many trees around it. Given the distance, angles, terrain and trees, visibility is unlikely in any realistic scenario.
- Deer Park – See attached photos and story pole photos. Deer Park, a popular 4x4 trail with summer residences including a very visible, recently built large home is more than 1 mile away across the Animas Valley. The extreme distance combined with thick trees on the property make casual viewing from along the trail next to impossible. Owners drove every single portion and spur's with binoculars with no success at viewing the story pole, let alone driving.
- Ridgelines – Proposed building envelope may more closely be reviewed at the time building permits are submitted. However mapped envelope is set back from any ridgeline edge precluding any building over an edge that could lead to visibility from below. It is also set back some distance from property lines. In Addition, sloping, rocky and tree covered slopes make casual observation of property difficult.

See attachment B

BOARD OF COUNTY COMMISSIONERS

San Juan County

P.O. Box 466

Silverton, Colorado 81433

970-387-5671

RELATIONSHIP OF PROPERTY TO COUNTY ROAD AND STATE HIGHWAY SYSTEMS

I, the undersigned, applicant engaged in the processing of Application for Improvement Permit No. _____, San Juan County, Colorado, do hereby acknowledge the following facts:

1. The real property' which is the subject of said application is on this date located approximately N/A from County Road No. _____, the nearest designated and publicly maintained county road.
2. Said County Road No. N/A is on this date maintained on an _____ basis by San Juan County.
3. The real property which is the subject of said application is on this date located approximately 0 Feet from US Highway No. 550 , the nearest designated state or federal highway.
4. Said US Highway No. 550 is on this date maintained on a year-round basis by either San Juan County or the Colorado Division of Highways.
5. A Driveway Permit will be necessary for any private access or egress relating to said real property which intersects any designated Colorado State Highway or Federal Highway.

Signed and dated this 27th day of August , 2019 .

ATTEST:


Applicant

Position:

**COLORADO DEPARTMENT OF TRANSPORTATION
STATE HIGHWAY ACCESS PERMIT**

CDOT Permit No.
501037
State Highway No/Mp/Side
550B/67.508 Right
Local Jurisdiction
San Juan

Permit fee \$100.00
Date of transmittal 05/03/01
Region/Section/Patrol 05/03/12

The Permittee(s):
Permittee: William Simon
8185 CR 203
Durango, CO 81301

JUL 16 2001
PAID
100.00 - ge

is hereby granted permission to have an access to the state highway at the location noted below. The access shall be constructed, maintained and used in accordance with this permit, including the State Highway Access Code and any attachments, terms, conditions and exhibits. This permit may be revoked by the issuing authority if at any time the permitted access and its use violate any parts of this permit. The issuing authority, the Department and their duly appointed agents and employees shall be held harmless against any action for personal injury or property damage sustained by reason of the exercise of the permit.

Location: Access is to be located on the East side of State Highway 550, a distance of approximately 2682 ft North of MP 67.

Access to Provide Service to: To serve a maximum of one single family dwelling on the Prince Edward Lode, M.S. No. 15833, a maximum of one single family dwelling on the Mayzeppa Lode, M.S. No. 15833, a maximum of one single family dwelling on Little Annie Lode, M.S. No. 15833 and the vacant land of the King Lode, M.S. No. 15833, all of the Animas Mining District of San Juan, State of Colorado.

Other terms and conditions:

MUNICIPALITY OR COUNTY APPROVAL

Required only when the appropriate local authority retains issuing authority.

By (x)	Date	Title
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Upon the signing of this permit the permittee agrees to the terms and conditions and referenced attachments contained herein. All construction shall be completed in an expeditious and safe manner and shall be finished within 45 days from initiation. The permitted access shall be completed in accordance with the terms and conditions of the permit prior to being used.

The permittee shall notify John Novara with the Colorado Department of Transportation in Durango at 970-385-1650 at least 48 hours prior to commencing construction within the State Highway right-of-way.

The person signing as the permittee must be the owner or legal representative of the property served by the permitted access and have full authority to accept the permit and its terms and conditions.

Permittee (x)	Date
<i>William Simon</i>	7/03/01

This permit is not valid until signed by a duly authorized representative of the Department.

COLORADO DEPARTMENT OF TRANSPORTATION		Title <i>Region 5 Reeves Highway</i>	
By (x)	Date (of Issue)	Region 5 Traffic Section	
<i>Ed Balmain</i>	7-16-01		
Copy Distribution:	Make copies as necessary for:	Previous editions are obsolete and may not be CDOT Form #101	
1. Region	Local Authority		
2. Applicant	MTCO Patrol		
3. Staff Access Section	Inspector		
	Traffic Engineer		

email Jo

LAND USE PERMIT
San Juan County, Colorado

Applicant: Lloyd and Esther Swartz	Permit No.
Address: 35 Canoncito Rd NE	
City and State: Albuquerque, NM 87122	Telephone: 505-252-0915


Description of Use:
Establish 2 sections of road to connect to approved Highway 550 access. Maintain existing roads, thin overgrown and dead trees, plan for future cabin on prince Edward claim and camp on property occasionally until cabin is built.

Dates and Times of Use:
Road & Forest management to begin immediately after approval

Location of Use:
8 Mining claims 2 miles south of Silverton on Hwy 550

Areas of Concern: Applicant should provide attachments for each relevant area
Land Use Administrator will initial approval if appropriate

Property Ownership	_____	Permission of Property Owner	_____
Vicinity Map	_____	Plans and Drawings	_____
Natural Hazards	_____	Zoning Compatibility	_____
Sanitation	_____	Environmental Impacts	_____
Building Permit	_____	Federal and /or State Permits	_____
Security	_____	Emergency Services	_____
Parking	_____	Insurance Coverage	_____
Clean Up	_____	County Road Impact	_____
Other	_____	Other	_____

Date Application Submitted: 8/27/19	By (signature): 
Date Permit Issued:	By (signature):
Conditions	
Acceptance of Conditions:	By (signature):

State of Colorado
San Juan County

ss

Certificate of Taxes Due

I, the undersigned, County Treasurer in and for the said County, do, hereby certify that there are no unpaid taxes, or unredeemed tax liens as appears of record in the office, on the following described property, except as noted below.

Parcel: 48290000010491 Tax District: 101

Property Description:

Location

LITTLE ANNIE - 15833 PRINCE EDWARD - 15833 KING (SOUTH PART) - 15833 COPPER QUEEN - 15833 PORTION EAST OF HWY 550 MAYZEPPA - 15833 PORTION EAST OF HWY 550

2018 Tax Payable in 2019, Assessed Value \$46212, Assessed To SWARTZ LLOYD O & ESTHER M,

Certificate of Taxes Due created by DMJ

Tax Distribution

Tax Entity	Mill	Tax	Tax Entity	Mill	Tax
COUNTY GENERAL FUND	19.000	878.03	COUNTY PUBLIC WELFARE FUND	0.291	13.45
COUNTY GF REFUNDS/ABATEMENTS	0.196	9.06	COUNTY ROAD & BRIDGE FUND	0.350	16.17
SCHOOL HOLD HARMLESS	0.444	20.52	SCHOOL DIST ABATEMENT	0.139	6.42
SCHOOL DIST BOND REDEMPTION	2.550	117.84	SCHOOL DISTRICT #1 GEN FUND	10.965	506.72
SOUTHWEST WATER CONS DIST	0.407	18.81			

Current Tax/Fee \$ 1,587.02 Status Paid In Full Taxes Due \$ 0.00 Interest \$ 0.00

Adv \$ 0.00 Late Pen \$ 0.00 Other Fees \$ 0.00 Balance Current Tax \$ 0.00
 Cost to pay Special Assessment in Full \$ 0.00

Tax Liens or Delinquent Tax Amount to Redeem \$
 Taxes have been paid in full
 Total Due This Certificate \$ 0.00 Tax \$ 0.00 Interest \$ 0.00 Spec. Assmnts \$ 0.00 Other \$ 0.00

This does not include special taxes that are not of record in this office or taxes on improvements on said property which may be separately assessed

IN WITNESS WHEREOF, I have hereunto set my hand and seal, this 27th Day of August 2019.

Issued to

San Juan County Treasurer

Certificate No. 1,109 Fee for Issuing this Certificate \$ 10.00

By 


**State of Colorado
San Juan County**

ss

Certificate of Taxes Due

I, the undersigned, County Treasurer in and for the said County, do, hereby certify that there are no unpaid taxes, or unredeemed tax liens as appears of record in the office, on the following described property, except as noted below.

Parcel: 48290000010162 Tax District: 101

Property Description:

Location
DAYTON - 258

2018 Tax Payable in 2019, Assessed Value \$20805, Assessed To SWARTZ LLOYD O & ESTHER M,

Certificate of Taxes Due created by DMJ

		Tax Distribution			
Tax Entity	Mill	Tax	Tax Entity	Mill	Tax
COUNTY GENERAL FUND	19.000	395.30	COUNTY PUBLIC WELFARE FUND	0.291	6.05
COUNTY GF REFUNDS/ABATEMENTS	0.196	4.08	COUNTY ROAD & BRIDGE FUND	0.350	7.28
SCHOOL HOLD HARMLESS	0.444	9.24	SCHOOL DIST ABATEMENT	0.139	2.89
SCHOOL DIST BOND REDEMPTION	2.550	53.05	SCHOOL DISTRICT #1 GEN FUND	10.965	228.13
SOUTHWEST WATER CONS DIST	0.407	8.47			

Current Tax/Fee \$ 714.50 Status Paid In Full Taxes Due \$ 0.00 Interest \$ 0.00

Adv \$ 0.00 Late Pen \$ 0.00 Other Fees \$ 0.00 Balance Current Tax \$ 0.00
Cost to pay Special Assessment in Full \$ 0.00

Tax Liens or Delinquent Tax Amount to Redeem \$
Taxes have been paid in full
Total Due This Certificate \$ 0.00 Tax \$ 0.00 Interest \$ 0.00 Spec. Assmnts \$ 0.00 Other \$ 0.00

This does not include special taxes that are not of record in this office or taxes on improvements on said property which may be separately assessed
IN WITNESS WHEREOF, I have hereunto set my hand and seal, this 27th Day of August 2019.

Issued to San Juan County Treasurer

Certificate No. 1,107 Fee for Issuing this Certificate \$ 10.00



By

**State of Colorado
San Juan County**

ss

Certificate of Taxes Due

I, the undersigned, County Treasurer in and for the said County, do, hereby certify that there are no unpaid taxes, or unredeemed tax liens as appears of record in the office, on the following described property, except as noted below.

Parcel: 48290000010490 Tax District: 101

Property Description:

Location
CASCADE - 15833 KING (NORTH PART) - 15833 SILVER LINK - 15833

2018 Tax Payable in 2019, Assessed Value \$32608, Assessed To SWARTZ LLOYD O & ESTHER M,

Certificate of Taxes Due created by DMJ

Tax Entity		Tax Distribution			
	Mill	Tax	Tax Entity	Mill	Tax
COUNTY GENERAL FUND	19.000	619.55	COUNTY PUBLIC WELFARE FUND	0.291	9.49
COUNTY GF REFUNDS/ABATEMENTS	0.196	6.39	COUNTY ROAD & BRIDGE FUND	0.350	11.41
SCHOOL HOLD HARMLESS	0.444	14.48	SCHOOL DIST ABATEMENT	0.139	4.53
SCHOOL DIST BOND REDEMPTION	2.550	83.15	SCHOOL DISTRICT #1 GEN FUND	10.965	357.55
SOUTHWEST WATER CONS DIST	0.407	13.27			

Current Tax/Fee \$ 1,119.82 Status Paid In Full Taxes Due \$ 0.00 Interest \$ 0.00

Adv \$ 0.00 Late Pen \$ 0.00 Other Fees\$ 0.00 Balance Current Tax \$ 0.00
Cost to pay Special Assessment in Full \$ 0.00

Tax Liens or Delinquent Tax Amount to Redeem \$
Taxes have been paid in full
Total Due This Certificate \$ 0.00 Tax \$ 0.00 Interest \$ 0.00 Spec. Assmnts \$ 0.00 Other \$ 0.00

This does not include special taxes that are not of record in this office or taxes on improvements on said property which may be separately assessed

IN WITNESS WHEREOF, I have hereunto set my hand and seal, this 27th Day of August 2019.

Issued to

San Juan County Treasurer

Certificate No. 1,108 Fee for Issuing this Certificate \$ 10.00



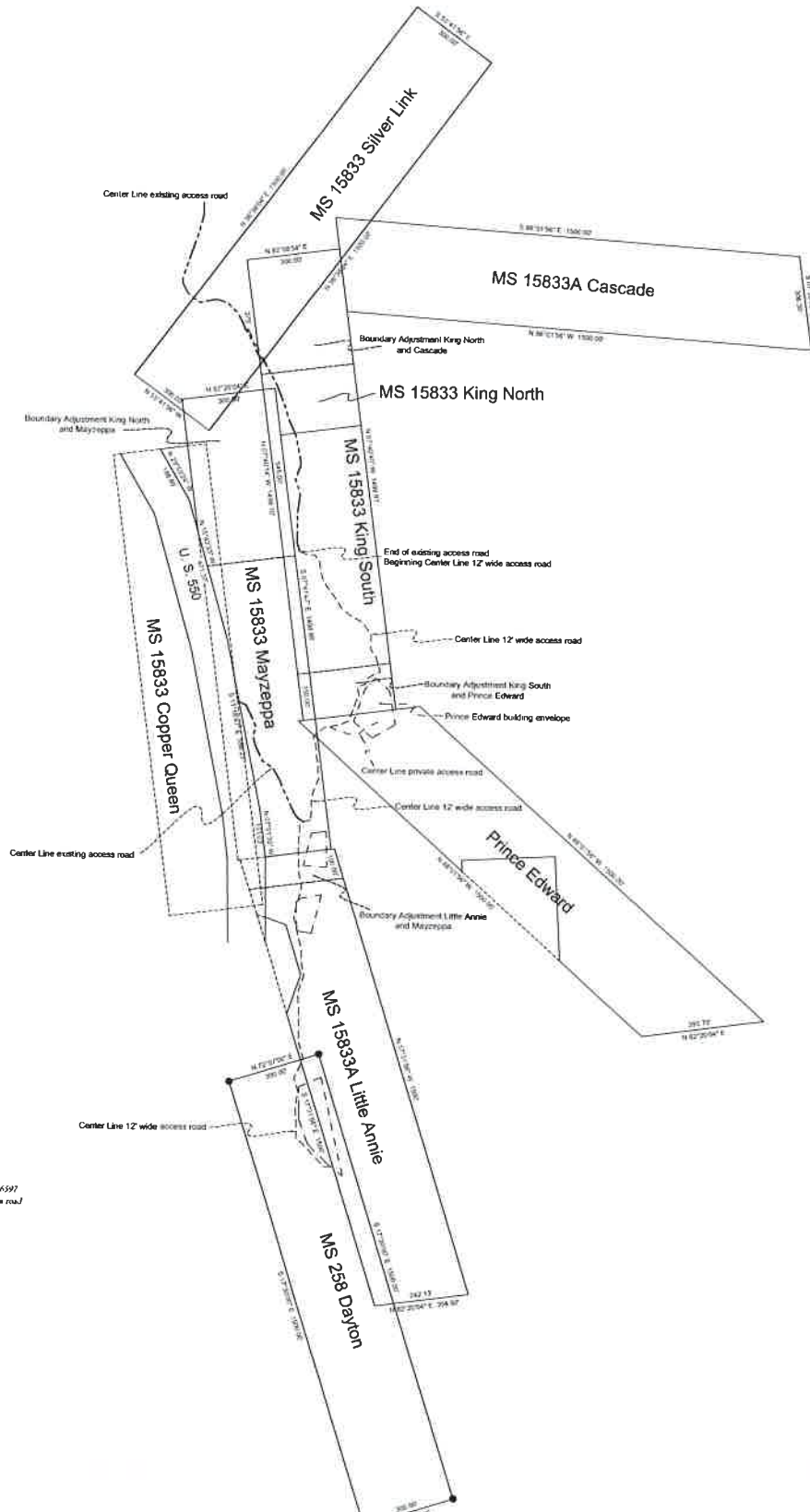
Proposed access road and Boundary Adjustments

Suspended, Township 41 North, Range 7 West, of the New Mexico Principal Meridian
San Juan County, Colorado

VICINITY MAP



Not to Scale

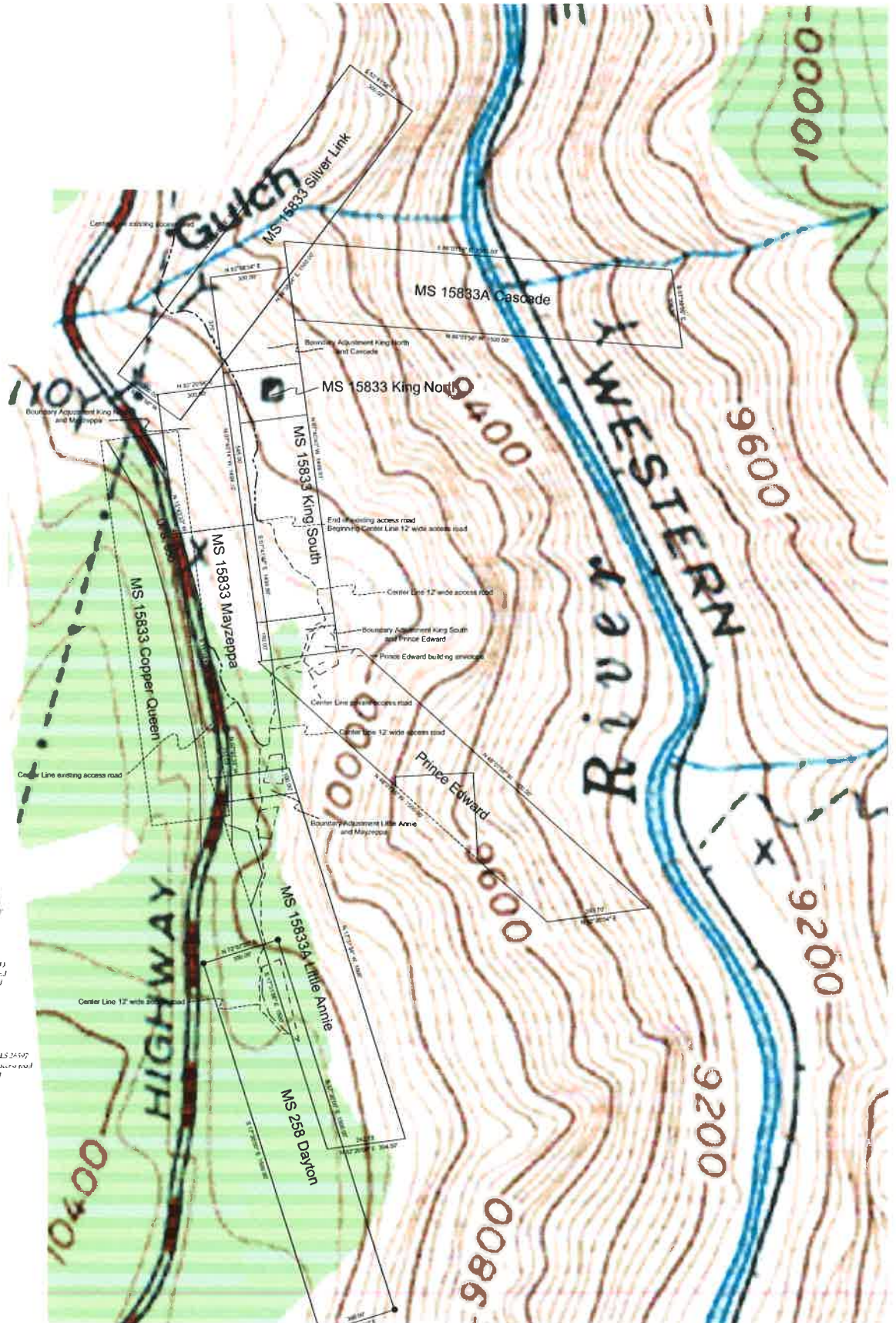


BASIS OF BEARING:
Line 34 of the Little Annie, MS 15833 is assumed to bear S. 17°31'56" E and is monumented as shown herein. All other bearings are relative thereto.

- LEGEND**
- Set 1/12" diam. cap/96 rebar - LS 26597
 - Center Line proposed 12' wide access road
 - - - Center Line existing access road

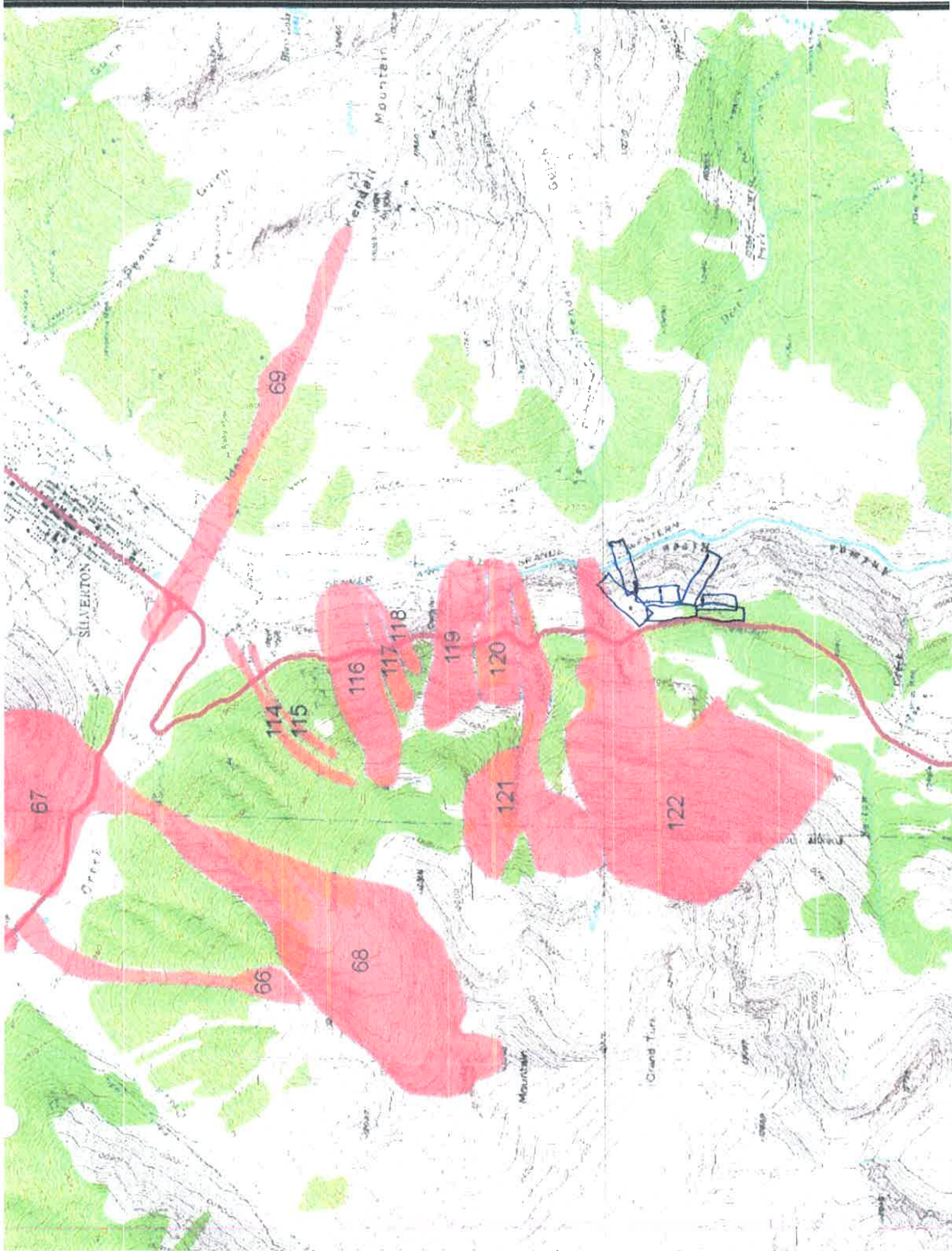
Proposed access road and Boundary Adjustments

Suspended, Township 41 North, Range 7 West, of the New Mexico Principal Meridian
San Juan County, Colorado



BASIS OF BEARING:
Line 34 of the Little Annie, MS 15833A is assumed to bear S 12° 31' 36" E and is monumented as shown hereon. All other bearings are relative thereto.

- LEGEND**
- Set 2 1/2" diam. iron pipe 46' below LS 26597
 - Center line proposed 12' wide access road
 - - - Center line existing access road





122 – King Mine Avalanche Run

Blue – Subject Property Dayton Load

Closest mapped run out to perimeter –760'

To Build Site – 2000'

Attachment B



80 Ft away Deer Park view angle towards Sultan Mountain



25 Ft. Away West view towards Sultan Mountain

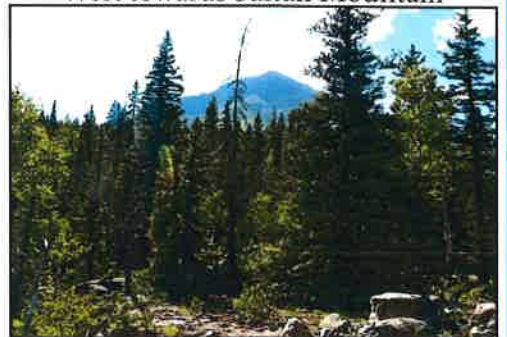


60 Ft. away Deer Park View looking West towards Sultan Mountain



West view towards Sultan Mountain Different Angle

View Shed Photos of Proposed Future Cabin Site on the Prince Edward Claim



Angle Towards Sultan Mountain Likely no Trails



SW View looking towards HWY 550 Our Private Land Beyond



15 Ft away looking SW towards HWY 550 at Approx. 500' from HWY



25 Ft away looking SW towards Molas Pass



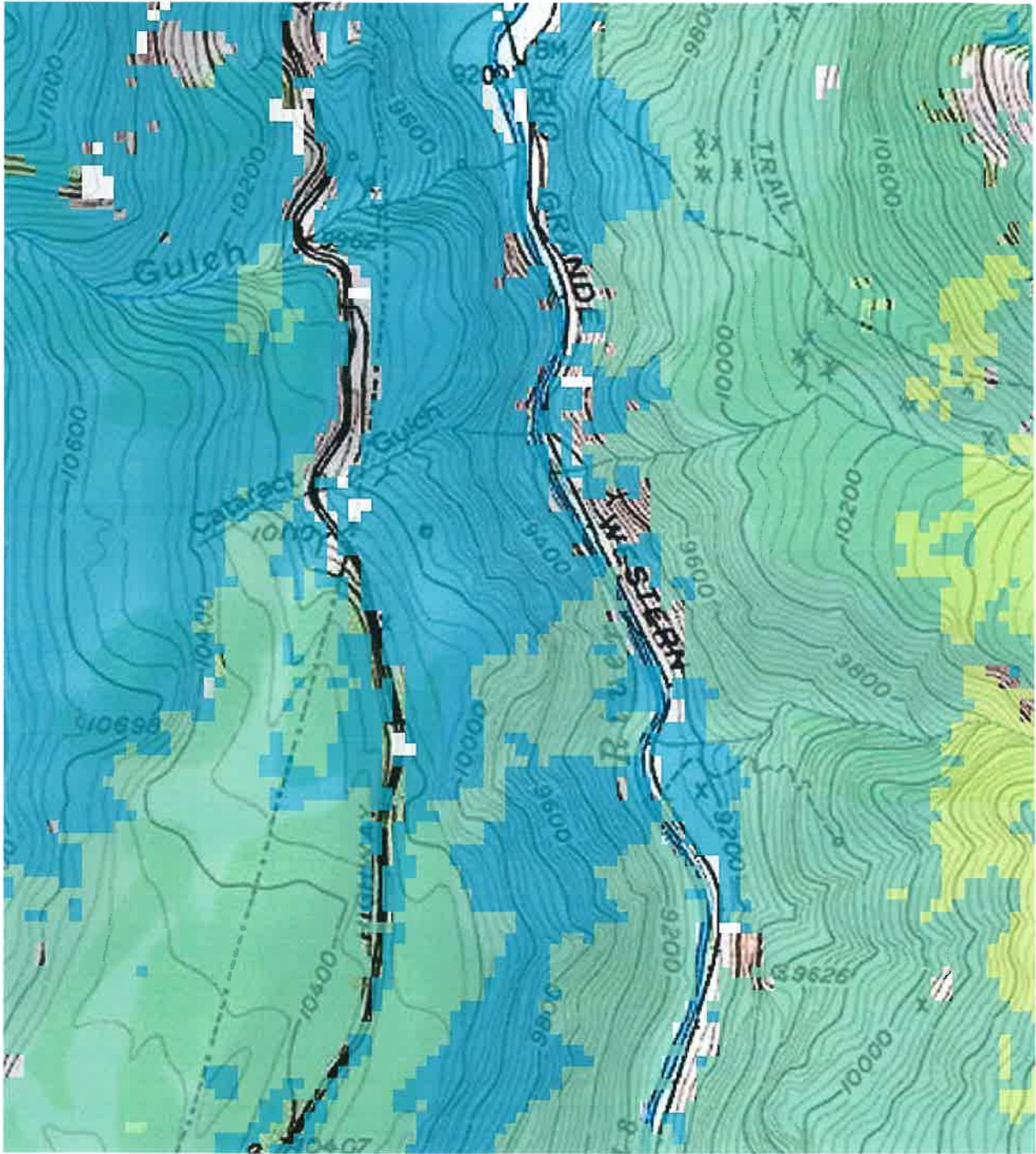
30 Ft away South towards Molas Pass



South view at Open Horizon No Viewable Trails



Closeup of Story Pole Site



Source: Colorado Wildfire Risk Assessment Portal/ Colorado State Forest Service

Teal Color = Low Fire Danger Level 1 (Lowest)

Light Green Color = Low Fire Danger Level 2 (2nd lowest)

Greenish Yellow Color = Low Fire Danger Level 3