

## ROAD VACATION APPLICATION

NOTE: See Rico Land Use Code Section 480 *et. seq.* for submittal requirements, review procedures and review standards. Ten (10) copies of the application must be submitted; however, a draft submittal may first be submitted to the Town Planner along with the application fee, then any revisions may be incorporated into the ten (10) copies for Town review.

Applicant Name: Thomas Lunifeld & Mina Hakami

Phone: \_\_\_\_\_

Address: Lots 39 & 40, Block 12, Town of Rico  
Dolores County Parcel No. 504735104012

Fax: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Agent Name: Raegan Ellease

Phone: 970-779-0568

Address: PO Box 1413 Norwood, CO. 81423

Fax: \_\_\_\_\_

E-Mail Address: raeganellease@yahoo.com

Description of Road Vacation Request (indicate affected road right-of-way and area to be vacated – a map can be attached depicting the proposed road vacation. Base map information may be obtained from Foley Associates in Telluride – (970) 728-6153):

**Partial road vacation on the north side of lot 39, blk 12 in the Town of Rico. The historic stone structure encroaches into the town right-of-way by 3'1" - 3'8" according to the attached survey from Foley & Associates. This application requests to adjust the north lot line of lot 39 by 5' in order to fully encompass the historic stone structure so the structure can be restored and maintained. Lots 39 & 40 are under contract to be purchased by Raegan Ellease but she does not feel comfortable investing in the restoration of the stone structure if she only owns 3 of the 4 walls of the building.**

Include the following with this attachment (Note: Applicant's may request waiver of certain submittal requirements by providing a written request with reasons for waiver):

- ☒ 1. Title Certificate from title company or attorney opinion letter listing name of property owner(s), liens, easements, judgments, etc., affecting title to the property.
- ☒ 2. Statement from County Treasurer showing status of current taxes due on affected property.
- ☒ 3. Narrative indicating existing zoning and predominant existing uses within 300' of property.
- ☒ 4. Statement by the Applicant describing how the vacation application meets applicable standards in Section 482.
- ☒ 5. An Application Fee in the amount of \$150.00.

### For Town Staff Only – DO NOT mark this section

Date Application  
Received by Town: \_\_\_\_\_

Application  
Reviewed by: \_\_\_\_\_

Date Application reviewed  
for Completeness: \_\_\_\_\_

Date of Planning Commission  
Hearing and Review: \_\_\_\_\_

Planning Commission  
Recommendation: \_\_\_\_\_

Date of Town  
Board of Trustee  
Review: \_\_\_\_\_

Town Board  
Decision: \_\_\_\_\_

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Letter of Agency

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Date: 11/28/2018

To: The Town of Rico Board of Trustees and the Town of Rico Planning & Zoning Board

We, Thomas Lunifeld and Mina Hakami, hereby authorize Raegan Ellease to be our representative at the Town of Rico Board of Trustees meeting and the Town of Rico Planning & Zoning Board meeting. The following issue will be on the agendas of both meetings: partial road vacation application regarding the north wall of the historic stone building 3940 Hancock, Rico CO 81332.

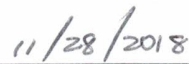
Please contact me if you have any questions.

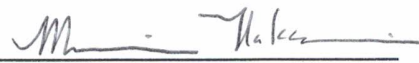
Thank you,

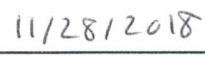
Current Property Owners:

Thomas Lunifeld & Mina Hakami  
3940 N Hancock St. (Lots 39 and 40, Blk 12)  
Rico, CO 81332

  
\_\_\_\_\_  
Thomas Lunifeld

  
\_\_\_\_\_  
11/28/2018

  
\_\_\_\_\_  
Mina Hakami

  
\_\_\_\_\_  
11/28/2018

EDGE OF TRAVELED WAY

SODA STREET

**IMPROVEMENT LOCATION CERTIFICATE:**  
I hereby certify that this Improvement Location Certificate was prepared for Alpine Title Company, that it is not a Land Survey Plat or Improvement Survey Plat, that it is not to be relied upon for the establishment of fence, building, or other improvement lines.  
I further certify that the improvements on the below described parcel on this date November 13, 2018, except utility connections, are entirely within the boundaries of the parcel, except as shown, that there are no encroachments upon the described premises by improvements on any adjoining premises, and that the improvements are not the apparent evidence or sign of any easement crossing or burdening any part of said parcel, except as noted.



Jeffrey C. Brouillette, License No. 37970

**LEGAL DESCRIPTION:**

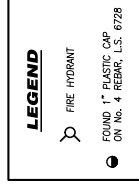
Lots 39 and 40, Block 12, Town of Rico, according to the plat thereof filed for record in the Office of the Clerk and Recorder, County of Dolores, State of Colorado.

**NOTES:**

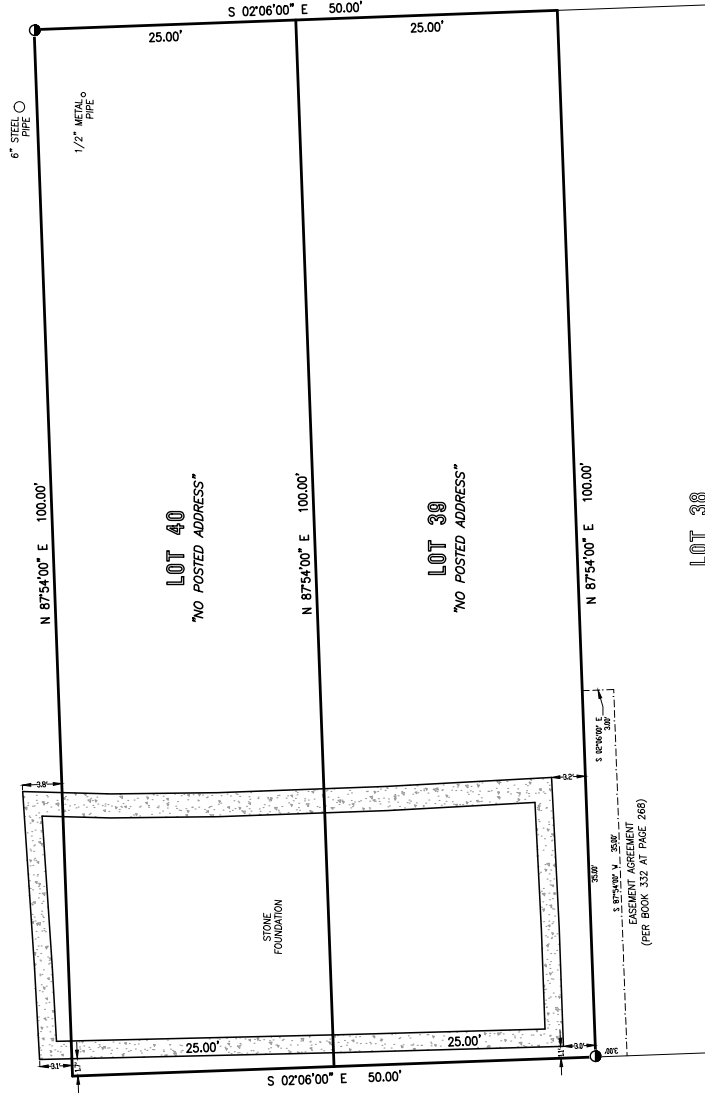
1. Easement research and legal description from Alpine Title Company, File No. 1912CEA, dated November 05, 2018 at 09:32 A.M.
2. According to FEMA Flood Insurance Rate Maps dated August 03, 1986, this parcel is not within the 100-year flood plain.

**NOTICE:**

According to Colorado law, you must commence any legal action based upon any defect in this survey within three years after the date of recording of this certificate. No survey may be commenced more than ten years from the date of the certification shown hereon.



ALLEY



HANCOCK STREET



**Improvement Location Certificate**

Lots 39 and 40, Block 12, Town of Rico,  
Dolores County, Colorado.



970-728-6153 970-728-6050 fax  
PO Box 1385  
125 W. Pacific Ave., Suite B-1  
Telluride, Colorado, 81435

Project No.:	JH
Technician:	MC
Checked by:	JV/MP
Start date:	11/13/2018

Drawing path: dwg\18046 ILC 11-18.dwg

Sheet 1 of 1 Project #: 18046

**IMPROVEMENT LOCATION CERTIFICATE:**

I hereby certify that this Improvement Location Certificate was prepared for Alpine Title Company, that it is not a Land Survey Plat or Improvement Survey Plat, that it is not to be relied upon for the establishment of fence, building, or other improvement lines.

I further certify that the improvements on the below described parcel on this date November 13, 2018, except utility connections, are entirely within the boundaries of the parcel, except as shown, that there are no encroachments upon the described premises by improvements on any adjoining premises, except as indicated, and that there is no apparent evidence or sign of any easement crossing or burdening any part of said parcel, except as noted.

Jeffrey C. Hoskell

P.L.S. 37970

**LEGAL DESCRIPTION:**

Lots 39 and 40, Block 12, Town of Rico, according to the plat thereof filed for record in the Office of the Clerk and Recorder, County of Dolores, State of Colorado.

**NOTES:**

1. Easement research and legal description from Alpine Title Company, File No. 1912CEA, dated November 05, 2018 at 09:32 A.M.
2. According to FEMA Flood Insurance Rate Maps dated August 05, 1986, this parcel is not within the 100-year flood plain.

**NOTICE:**

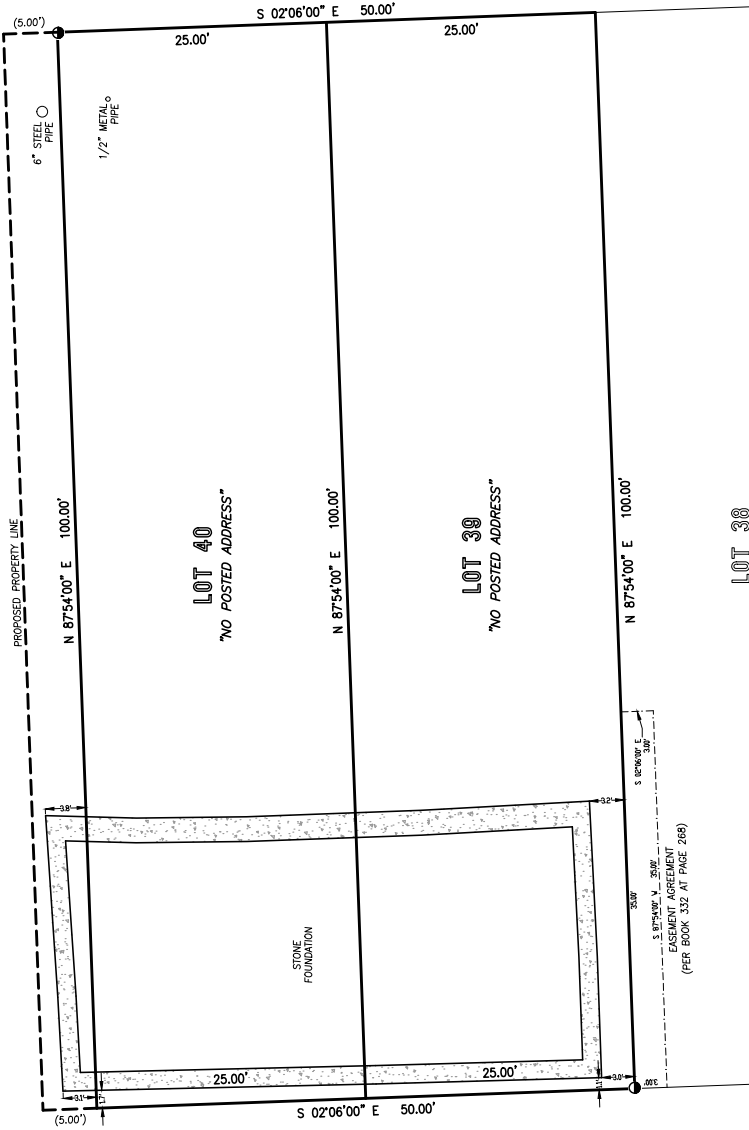
According to Colorado law, you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

**LEGEND**

- FIRE HYDRANT
- FOUND 1" PLASTIC CAP ON NO. 4 REBAR, L.S. 6728

SODA STREET

Proposed



**Improvement Location Certificate**

Lots 39 and 40, Block 12, Town of Rico,  
Dolores County, Colorado.

**FOLEY ASSOCIATES, INC.**

Project Mgr.: JH  
Technician: MC  
Checked by: KV/NE  
Start date: 11/13/2018

970-728-6153 970-728-6050 fax  
PO Box 1385  
125 W. Pacific Ave., Suite B-1  
Telluride, Colorado, 81435

Drawing path: dms\B046 ILC 11-18.dwg

Sheet# of 1 Project # 18046





Existing property line is 3'-1"  
inside edge of stone wall on  
the northwest corner and 3'-8"  
inside stone wall on the  
northeast corner. See I.L.C.

New property/line would be  
approximately 1'-11" north of  
stone wall at this northwest  
corner and approximately 1'-4"  
north of stone wall at northeast  
corner



**COMMITMENT FOR TITLE INSURANCE**

Issued by

*Westcor Land Title Insurance Company*

**SCHEDULE A**

1. Effective Date: **November 20, 2018, 09:43 am**

2. Policy to be issued:

(a) 2006 ALTA® Owner's Policy  
Proposed Insured: **Raegan Ellease**

Proposed Policy Amount: **\$45,000.00**

(b) 2006 ALTA® Loan Policy  
Proposed Insured:

Proposed Policy Amount:

<i>Basic Owner's Policy</i>	\$	<b>600.00</b>
<i>110.1 Deleting Except End (O)</i>	\$	<b>65.00</b>
<i>110.2-Insure over Exc. End (O)</i>	\$	<b>60.00</b>
<i>Tax Certificate</i>	\$	<b>35.00</b>
Total:	\$	<b>760.00</b>

3. The estate or interest in the land described or referred to in this Commitment is **Fee Simple**.

4. The Title is, at the Commitment Date, vested in:  
**Thomas Lunifeld and Mina Hakami**

5. The land referred to in this Commitment is described as follows:  
**SEE ATTACHED EXHIBIT "A"**

For Informational Purposes Only: **3940 Hancock Street, Rico, CO 81332**

Countersigned  
Alpine Title

By: *Debra S. Blanchette*

**D. Blanchette**

*This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Westcor Land Title Insurance Company. 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.*

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## EXHIBIT "A"

**Lots 39 and 40, Block 12, Town of Rico, according to the plat thereof filed for record in the Office of the Clerk and Recorder,  
County of Dolores, State of Colorado.**

**TOGETHER WITH an easement as contained in Easement Agreement recorded September 30, 1994 in Book 332 at page 268,  
County of Dolores, State of Colorado.**

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**COMMITMENT FOR TITLE INSURANCE**

Issued by

*Westcor Land Title Insurance Company***SCHEDULE B, PART I  
Requirements**

The following are the requirements to be complied with prior to the issuance of said policy or policies. Any other instrument recorded subsequent to the effective date hereof may appear as an exception under Schedule B of the policy to be issued. Unless otherwise noted, all documents must be recorded in the office of the clerk and recorded of the county in which said property is located.

All of 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.
5. **The Warranty Deed must be sufficient to convey to the Proposed Insured, Schedule A, Item 2A., the fee simple estate or interest in the land described or referred to herein,**  
**Note: C.R.S. § 38-35-109 (2) 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: Duly executed Real Property Transfer Declaration, executed by either the Grantor or Grantee, to accompany the Deed, pursuant to Article 14 of House Bill No. 1288 - CRS § 39-14-102.**
6. **Receipt by the Company of the appropriate Affidavit Indemnifying it against unfilled mechanic's and materialmen's liens.**

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**24-month Chain of Title:** The only conveyance(s) affecting said land recorded within the 24 months preceding the date of this commitment is (are) as follows:

**Warranty Deed recorded September 9, 2004 in Book 332 at page 341.**

**NOTE:** If no conveyances were found in that 24 month period, the last recorded conveyance is reported. If the subject land is a lot in a subdivision plat less than 24 months old, only the conveyances subsequent to the plat are reported.

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## SCHEDULE B, PART II

### Exceptions

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy or Policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.
2. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, and any facts which a correct survey and inspection of the land would disclose, and which are not shown by the public record.
4. Rights or claims of parties in possession not shown by the Public Records.
5. Easements or claims of easements not shown in the Public Records.
6. Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof.
7. Any water rights or claims or title to water, in or under the land, whether or not shown by the public records.
8. Taxes due and payable; and any tax, special assessments, charge or lien imposed for water or sewer service, or for any other special taxing district. Note: Upon verification of payment of all taxes the above exception will be amended to read, "Taxes and assessments for the current year, and subsequent years, a lien not yet due and payable."
9. Notes, easements, restrictions, reservations, densities, designated uses, setbacks, rights of way of a public, or private nature, and all other matters as disclosed on plats of said subdivision in Plat Book 2 at page 8.
10. All mines, minerals, lodes, deposits and Veins as conveyed to Julius Thompson by the Town of Rico in Deed recorded November 15, 1892 in Book 28 at Page 140, and any and all assignments thereof or interests therein. Note: The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed.

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11. All mines, minerals, metals, lodes, deposits, veins and all mineral bearing ores, rocks, all mining rights as reserved by Rico Argentine mining Company and all rights, either expressed or implied, other than the surface estate, as reflected in Decree recorded July 16, 1954 in Book 75 at page 169. Note: The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed
12. Easement Agreement by and between Duane Rowe, Robert P. Lackey and Phyllis A. Lackey, Trustees, Lackey Family Trust dated August 30, 1994 in Book 332 at Page 268; subject to the terms, conditions, provisions and obligations contained therein.
13. All minerals of every kind and description including but not limited to coal, oil, gas and other minerals lying in, on or under or that may be produced from the lands herein of the East 75 feet of Lots 39 and 40, Block 12, as granted in deed recorded September 9, 2004 in Book 332 at page 341, and any interest therein or rights thereunder. The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed
14. Any tax, assessment, fees or charges by reason of the inclusion of the subject property in the Dolores Water Conservancy District pursuant to that document recorded October 25, 2004 in Book 333 at page 297.
15. Ordinance #1-05 recorded July 20, 2005 at Reception No. 148987; subject to the terms, conditions, provisions and obligations contained therein.
16. Stone Foundation as it encroaches onto Soda Street and all other matters as shown on Improvement Location Certificate by, Jeffrey C. Haskell, PLS #37970, Foley Associates, Inc. dated November 13, 2018, Project # 18048.

NOTE: The policy(s) of insurance may contain a clause permitting arbitration of claims at the request of either the Insured or the Company. Upon request, the Company will provide a copy of this clause and the accompanying arbitration rules prior to the closing of the transaction.

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STATE OF COLORADO  
DOLORES COUNTY

CERTIFICATE OF TAXES DUE  
Thru Tax Year 2017

Certificate No 198  
Printed 11/05/2018

Assessed Owner:

LUNIFELD THOMAS & HAKAMI, MIN  
(JT)  
4108 EAST MINNEZONA AVENUE  
PHOENIX AZ 85018

SCHEDULE NUMBER 504735104012 R  
TAX DISTRICT 102  
ROLL PAGE 1023

\* THIS IS VACANT LAND \*

Ordered by: DATA TRACE

===== N O T I C E =====

I, the undersigned, County Treasurer in and for said County, do hereby certify that there are no unpaid taxes or unredeemed tax lien sale certificates, except as shown below, as appears of record in this office, on the following described property, to-wit:

TAXING ENTITIES	\$/THOUS	TAX		
SCHOOL DIST RE-2J	20.962	258.36		
DOLORES COUNTY	28.013	345.26	2017 TAX AMT	961.38
TOWN OF RICO	18.744	231.02	2017 TAX PD	961.38-
RICO FIRE PROTECTION	7.468	92.04		
S W WATER CONS	.407	5.02		
DOLORES WATER CONS	2.408	29.68		
TOTALS	78.002	961.38		

LEGAL DESCRIPTION OF PROPERTY

07-5047-351-04-012	FROM: LACKEY FAMILY TRUST
RICO LTS 39 & 40 BLK 12	35-40-11
B-109 P-128,462	B-177 P-288
ALL M.R. B-193 P-342	B-198 P-274 B-199 P-91
B-201 P-152 B-256 P-9-21	B-265 P-520-522
B-268 P-195,196,281	B-313 P-52(T.D. - M.R.)
B-313 P-52 B-322 P-268(EAS)	B-268 P-273(STAETH),274
B-332 P-341(WD)	B-333 P-297(WTR)

TAXES HAVE BEEN PAID IN FULL

Total Now Due

\$ .00

IN WITNESS WHEREOF; I have hereunto set my hand and the seal of my office,  
this 5TH day of NOVEMBER A.D. 2018

JANIE STIASNY  
DOLORES COUNTY TREASURER

BY: 

This Certificate does not certify as to any taxes which may, or may not, be due on any Mobile Home, Improvement, Personal Property, Oil, Gas, Mineral Rights, or Special Assessments which may, or may not, be located on the Property described above, unless specifically listed and described. Information regarding special taxing districts and the boundaries of such districts may be on file or deposit with the board of county commissioners, the county clerk and recorder, or the county assessor.

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## Narrative

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The predominant zoning and existing use of the properties within 300' of Lots 39 & 40, block 12 Town of Rico is residential. See attached copy of the Town of Rico zoning map for this area.





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## Statement on Town of Rico Land Use Code Section 482

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The requested road vacation would add 5' to the north side of Lot 39, blk 12 in the Town of Rico in order to fully encompass the historic stone structure aka the Old Assay Office from the Rio Grande Southern Railroad.

The requested vacation does not negatively affect the public right-of-way including: pedestrian access, recreational access, off-street parking, or open space buffer between developable lots (buffer would not change as the building in question is both historic and existing). The requested vacation is currently an embankment that hits the north side of the existing stone building. The Town of Rico would be gaining the potential of a restored historic structure from the Rio Grande Southern Railroad - this building is designated as the Assay Office on the Town of Rico's historic tour.

The requested vacation would retain sufficient rights-of-way for utilities.

Please see attached photos to show the current state of the proposed vacation.

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## Notice to Property Owners

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Dear Property Owners,

You are receiving this notice if you own property located within 200' of Lots 39 & 40, Block 12 in the Town of Rico.

The Historic Assay Office of the Rio Grande Southern Railroad aka the old stone building is located on the southeast corner of Hancock and Soda streets aka Lots 39 & 40, Block 12 in the Town of Rico. The Historic Assay Office encroaches on the Town of Rico right-of-way up to 3 feet and 8 inches on the north side only. A request to the Town of Rico has been submitted to do a partial road vacation and lot line adjustment so that the Historic Assay Office would be fully encompassed within the boundary of Lot 39. This lot line adjustment would allow the future property owner to safely invest in the repair and maintenance of the old stone building.

This request for partial road vacation and lot line adjustment will be discussed at the public hearing/Planning & Zoning board meeting on December 12th, 2018 at 6pm and the Town of Rico Board of Trustees meeting on December 12th, 2018 at 7pm. Please join this public forum if you have comments or input on this matter.

Thank you for your consideration,

Raegan Ellease (hopeful future owner of Lots 39 & 40)



Site 16 on Rico's Historic Walking Tour: On the southeast corner of Soda Street and Hancock Street is the Old Assay Office, c. 1895-1900. A special spur of the Rio Grande Southern railway led to the stone building that has been identified as the sampling works. For the assay work the office contained a small smelter for determining the metal composition of ores. It was also said to be a freight house for Rico miners (description found on the Town of Rico website).