



BOARD OF APPEALS/ADJUSTMENT REGULAR MEETING

December 14, 2011 – 7:00 P.M. Town Board Chambers

301 Walnut Street, Windsor, CO 80550

The Town of Windsor will make reasonable accommodations for access to Town services, programs, and activities and will make special communication arrangements for persons with disabilities. Please call (970) 674-2400 by noon on the Monday prior to the meeting to make arrangements.

MINUTES

A. CALL TO ORDER

Chairman Danny Horner called the meeting to order at 7:00 pm.

1. **Roll Call**

The following members were present:

Chair – Danny Horner
Mary Ann Baak
Richard Conard
Chris Morgan
Cindy Scheuerman

Also present: Director of Planning
Chief Planner
Associate Planner
Town Attorney
Counsel for the Board

Joe Plummer
Scott Ballstadt
Diana Aungst
Ian McCargar
Greg Bell

2. **Presentation of Service Award for Sherry Carey**

Chairman Horner presented a plaque to Ms. Carey and thanked her for eight years of service to the Town of Windsor as a member of the Board of Appeals/Adjustment.

3. **Review of Agenda by the Board and Addition of items of New Business to the Agenda for Consideration by the Board**

Ms. Baak moved to accept the Agenda as presented; Ms. Scheuerman seconded the motion. Motion carried unanimously.

4. **Reading of the statement of the documents to be entered into the record.**

Chairman Horner stated that he enters into the record the Town's Comprehensive Plan, the Town's Zoning Ordinance, the staff report regarding the action items of this hearing, and all of the testimony received at this hearing.

5. **Public Invited to be Heard.**

There was no public comment.

B. CONSENT CALENDAR

1. **Approval of the minutes of October 27, 2011**

Ms. Baak moved to approve the October 27, 2011 minutes as presented. Ms. Scheuerman seconded the motion. Motion carried unanimously.

C. BOARD ACTION

1. Variance of Municipal Code Section 16-8-30(d) pertaining to Accessory Building Location in the Limited Industrial (I-L) zoning district located at 7330 Greendale Road in the Town of Windsor – Brett Buchholtz, applicant – D. Aungst

Ms. Baak moved to open the public hearing. Mr. Conard seconded the motion. Motion carried unanimously.

Mr. Brett Buchholtz, 851 Ridge West Drive, stated that he is requesting a variance to construct an 8' x 10' shed on the east side of the building at 7330 Greendale Road. Mr. Buchholtz addressed the Board stating he had purchased and renovated the building, and now needs an area to store lawn maintenance equipment. He also stated that to locate the requested building in the rear yard would require a change of grading. Significant winds in the rear yard lead Mr. Buchholtz to fear damage to the shed or equipment. He believes a location on the side of the building would better suit his needs.

Ms. Baak moved to close the public hearing. Mr. Morgan seconded the motion. Motion carried unanimously.

Ms. Aungst stated that the owner, Mr. Brett Buchholtz, is requesting a variance to construct an 8' x 10' shed on the east side of the principal building, which is considered the side yard. Section 16-8-30(d) of the Windsor Municipal Code (Code) states, in part, that accessory buildings shall not be located any closer to the front property line than the rear corners of the principal building; that is, accessory buildings are only allowed in rear yards.

Ms. Aungst stated that the application materials state that the topography of the rear yard is unsuitable for the placement of the shed and that if the shed were to be located in the rear yard that it would be exposed to severe winds.

Ms. Aungst noted that in reviewing this variance request Windsor-Severance Fire Rescue, the Public Works Department, the Engineering Department and the Parks and Recreation Department had no concerns with this variance request and that SAFEbuilt indicates that the building code requires a building permit.

Ms. Aungst stated that Section 16-6-60(b) of the Municipal Code states that "Variances may be considered where, due to special conditions, a literal enforcement of the provisions of this Chapter would result in unnecessary hardship" and "Variances will not be granted contrary to the public interest and will only be considered when the spirit of this Chapter can be observed and public safety and welfare secured."

Ms. Aungst noted that staff considers the literal enforcement of the Code to result in an unnecessary hardship or a practical difficulty based upon the following findings of fact:

1. The topography of the rear yard of the subject property is unsuitable for the placement of the shed; and
2. Granting of the variance does not appear to pose any public safety or welfare concerns.

In conclusion, Ms. Aungst stated that based upon the aforementioned findings of fact, staff recommends that the Board of Adjustment make a motion to approve the variance to allow the construction a shed in the side yard subject to the following conditions:

1. The shed shall match the primary building color;
2. The applicant shall submit a building permit; and
3. The applicant shall comply with all the requirements of the adopted building and fire codes.

Based on staff's recommendation, Ms. Baak moved to approve the variance subject to stated conditions. Ms. Scheuerman seconded the motion. Motion carried unanimously.

2. Chairman Horner called for a motion to recess prior to proceeding with the appeal.

Ms. Baak moved to recess, Mr. Conard seconded the motion. Motion carried unanimously. The meeting was recessed at 7:12 p.m.

3. Appeal of an order, requirement, decision or determination pertaining to the zoning classification of the property located at 325 Third Street made by the Zoning officer in accordance with Section 16-6-40 of the Municipal Code – Dennis Zickrick, 325 Third Street, appellant – Ian McCargar

Upon Motion duly seconded, the Board voted unanimously to open the public hearing for the purpose of receiving evidence and argument.

The Board received all evidence and argument presented by Mr. Zickrick and the Town Attorney. Upon Motion duly seconded, the Board voted unanimously to close the public hearing and proceed to deliberation on the questions presented.

Board Member Baak moved to uphold the determination of the Zoning Official, which Motion was seconded by Board Member Morgan. The Board deliberated publicly and conferred with Special Counsel Greg Bell. Having so deliberated, the Board voted affirmatively (Horner, Conard and Morgan in favor, Baak and Scheurmann against) to uphold the Zoning Official's determination that the property in question is not subject to a valid legally non-conforming commercial use.

Special Counsel Bell indicated that he will prepare a written decision for review and approval at the next Board of Adjustment meeting, which written decision will contain the required findings of fact and conclusions of law. Upon approval, Mr. Zickrick will be provided a copy.

Upon conclusion of action on the appeal, Chairman Horner called for a 5 minute recess.

D. COMMUNICATIONS

1. Communications from the Board Members

There were no communications from the Board Members

2. Communications from staff

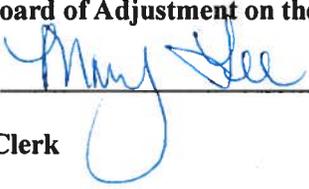
Mr. Plummer thanked the Board for conducting a professional hearing.
There were no other communications

E. ADJOURN

Mr. Conard moved to adjourn. Ms. Baak seconded the motion. Motion carried unanimously. The meeting was adjourned at 9:08 p.m.

CERTIFICATION

Approved by the Board of Adjustment on the

Submitted By: 
Mary Lee
Deputy Town Clerk

• Non-... benefits of SuperTech® processing come at the expense of any other functional performance system.
 • A c...
 • Lo...
 • re...
 • St...
 • Less maintenance, fewer toler...
 • A significant reduction of frictional damage upon initial fire-up.

The advantages SuperTech® processing will create for you.

Exhibit 1 Zickrick

Dennis Zickrick

SUPERTECH®
 SURFACE PERFECTION TECHNOLOGY
 325 3rd
 Windsor, CO 80550
 970/686-9739 USA

MEMORANDUM

Exhibit

2 Zickfick

TO: Windsor Board of Adjustment members
FROM: Ian D. McCargar, Town Attorney
RE: Important Procedural Points; Appeals of Zoning Officer Decisions
DATE: December 1, 2011

Chairman Horner and Board of Adjustment members, please consider this Memorandum as a procedural overlay to appeals brought under Section 16-6-40 of the Windsor Municipal Code. This Memorandum is not specific to any particular appeal, and should be kept as a reference in the future.

I. CONTEXT

The Zoning Code, found at Chapter 16 of the Windsor Municipal Code, is interpreted, applied and enforced by the Director of Planning in his capacity as the "Zoning Officer". Under Code Section 16-6-40, the Board of Adjustment ("BOA") is "...empowered to hear and decide appeals when an error is alleged in any order, requirement, decision or determination made by the Zoning Officer...". In this context, the BOA is being asked by the affected property owner to review the propriety of a Zoning Code decision made by the Director of Planning.

II. DUE PROCESS OF LAW

"Due process" is another way of saying "delivering fairness". In this setting, the BOA is acting in a **quasi-judicial setting** ("like a judge"). As such, the BOA must approach the matter with impartiality and must avoid the appearance of bias or prejudgment.

The BOA must make its decision based solely on what is presented for **the record** during the public hearing. The BOA should avoid receiving *ex parte* communications (information from sources other than what is presented at the public hearing). If you learn of something that comes from outside of the hearing, you should not rely on it in reaching conclusions nor even refer to it - "I drove by the property this afternoon, and..."

The BOA Chair should make certain that the record is clear by:

- ✓ asking people to **identify** themselves for the record;
- ✓ asking everyone to **speak clearly** to make it easier for the shorthand reporter to preserve a *verbatim* record of the spoken word;
- ✓ requiring all documents be labeled numerically or alphabetically as exhibits; and

- ✓ keeping track of the exhibits so they are collected and made available for later reference.

If there is litigation over the results of the hearing, the **courts rely on the hearing record** preserved by the BOA. This is why preservation of a clear record is very important.

III. PROOF REQUIREMENTS

Generally, the courts will approve of any action taken by the BOA if there is “*any competent (reliable) evidence in the record*” to support it. This is so even if there is evidence in the record that cuts the other way. As long as there is some **reliable evidence** that justifies the result, *no matter how slight*, the courts will accept the decision.

Reliable evidence is generally that which is based on the witness’s **personal knowledge**. If the witness is repeating things he has been told by others or that he has read somewhere (even if the source is known to be reliable), the witness does not have personal knowledge of the facts. For example, if the witness says she only knows of something because she read it in the newspaper or heard it from someone, she is relying on the paper or someone else for the truth, not her own personal experience or knowledge.

The same is true for documents. If the witness cannot **verify the contents of the document** from his own personal experience, the contents of the document may not be reliable. Some documents are more reliable than others (official government documents, sworn documents, etc.), but documents are no more reliable than people if the truth of their contents cannot be verified.

The burden of proof is on the applicant to present evidence to support his request for relief. The applicant should be given a *reasonable opportunity* to present whatever evidence he feels supports his request. This does not mean the public hearing should go on without end. Before closing the public hearing, the Chair should ask the applicant and Town representative if there is anything else for the record.

Strict adherence to the courtroom rules of evidence is not required, but **evidence should be focused on the relevant criteria** by which the BOA must make its decision. As long as the evidence is relevant, the BOA has broad discretion to weigh the evidence for its credibility and reliability. The BOA is the sole evaluator of the weight to be given witness testimony and document contents.

IV. CRITERIA FOR OVERTURNING ZONING OFFICER DECISIONS

A. Is the Zoning Officer’s decision “arbitrary and capricious”?

Arbitrary and capricious = the Zoning Officer has not rationally applied the Zoning Code

B. Has the Zoning Officer “exceeded his lawful authority”?

Exceeding lawful authority = the Zoning Officer is beyond his powers

FEE (Non Refundable): \$100.00

APPLICATION FOR APPEALS

TOWN OF WINDSOR
301 WALNUT STREET
WINDSOR, CO 80550

Office: (970) 674-2415
Fax: (970) 674-2456
www.windsorgov.com

For office use only:	
DATE: _____	BY: _____
Project ID Number: _____	



TO BE COMPLETED BY APPLICANT: (Type or print in black ink)

A request is hereby made for an appeal of an order, requirement, decision, or determination made by the Zoning Officer of the Town within the last forty-five (45) calendar days in the enforcement of Chapter 16 of the Town of Windsor Municipal Code on the property located at:

Street Address: 325 3rd St
Lot: A Block: _____ Subdivision: Clearwater

Describe the nature of the request for appeal:
to establish the correct classification as "Multi-use Commercial" for the property at 325 3rd St.

SCALED DRAWINGS AND SPECIFICATIONS NECESSARY FOR THE PROPER CONSIDERATION OF THIS APPEAL SHALL BE SUBMITTED WITH THIS APPLICATION. WITH NEW CONSTRUCTION PROJECTS YOU MUST CONTACT SAFEbuilt COLORADO, INC (970-686-7511) TO DETERMINE IF ANY SPECIAL REQUIREMENTS EXIST ACCORDING TO THE INTERNATIONAL BUILDING CODE.

I hereby depose and state under the penalties of perjury that all statement, proposals and plans submitted within this application are true and correct to the best of my knowledge.

Submitted this 19 day of Oct, 20 11

Dennis H. Zickrick
Applicant (please print)
[Signature]
Applicant's Signature
325 3rd St. Windsor CO 80550
Mailing Address (street, city, state, zip)
970 481 53 59
Telephone Number (during the day)

Dennis H. Zickrick
Property Owner* (please print)
[Signature]
Property Owner's Signature*
325 3rd St Windsor CO 80550
Mailing Address* (street, city, state, zip)
970.481.5359
Telephone Number* (during the day)

Fax Number: _____
Email: sptwindsor@aol.com

Fax Number: _____
Email*: SPT WINDSOR@AOL.com

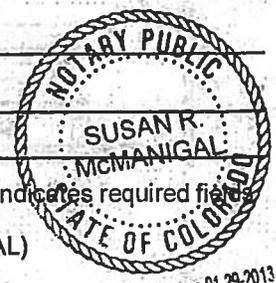
Applicant's Representative (if any): Name: _____
Address: _____
Telephone: _____ Fax: _____
NOTARY: (all signatures) Email: _____

Subscribed before me this 19 day of October, 20 11

By: Dennis H. Zickrick
Print name of property owner(s) and applicant(s)

[Signature]
Notary Public Signature

01-29-2013
My commission expires



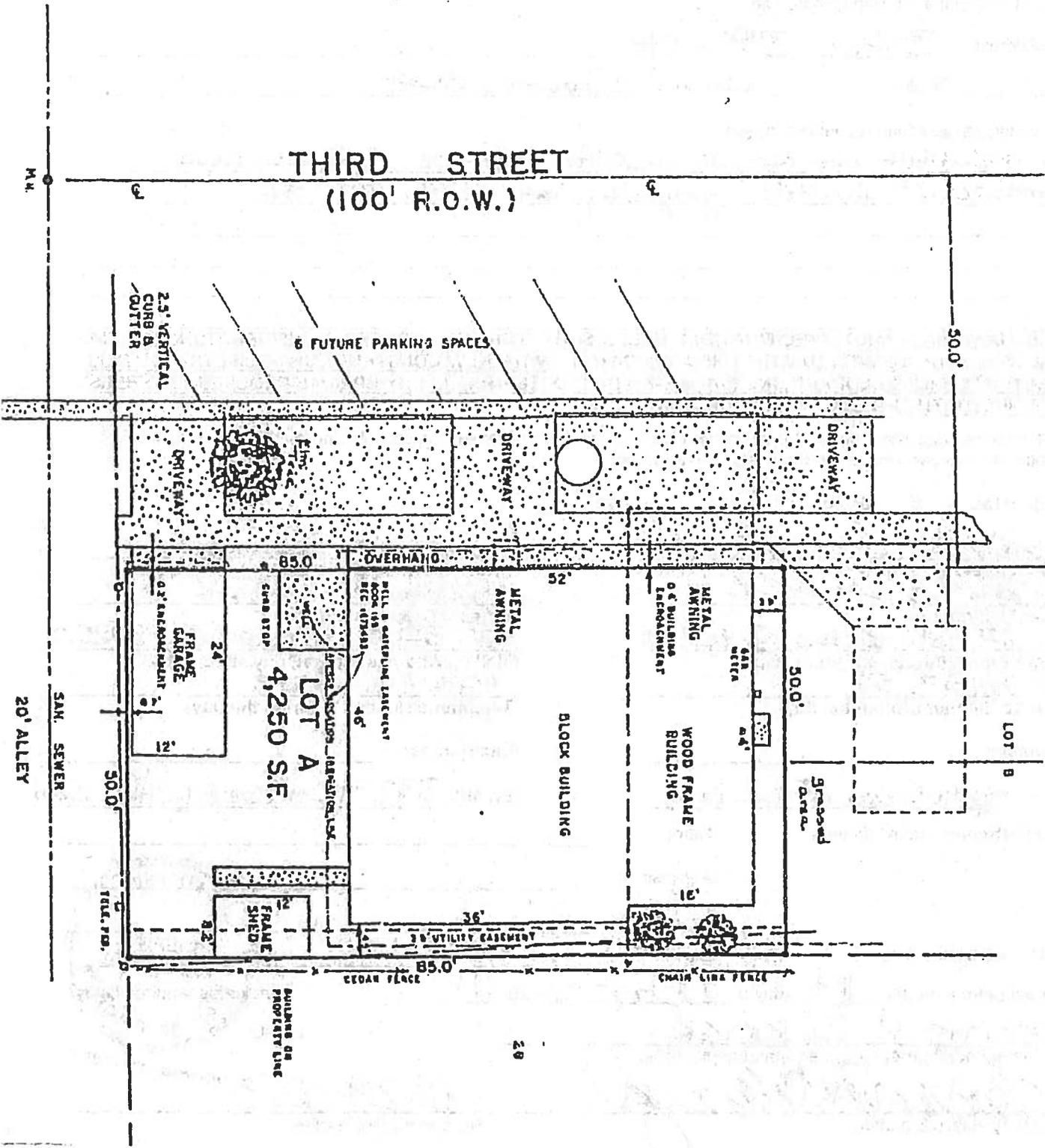
* indicates required fields

(SEAL)

FOR: LARRY COLE
 313 1/2 STREET
 WINDSOR, CO 80310
 PHONE: 666-7430



THIRD STREET
 (100' R.O.W.)



TO THE BOARD OF APPEALS

325 E 3RD STREET
WINDSOR, COLORADO

SUBMITTED BY:
DENNIS H. ZICKRICK
OWNER

TABLE OF CONTENTS:

1. Statement of Purpose

2. Early History

Year	Business	Owner	Source
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3. County and Town History

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5. Today's Dilemma

6. Tax Issues

7. Commercial Property Tax Payers

8. In Conclusion

Statement of Purpose

To the Board of Appeals to establish correct description, use, and zoning of 325 3rd St as per history, use and tax ramifications. It is my objection to show the board of appeals documentation for the purpose of establishing the fact that this property has always been commercial use property/multi use property and taxed accordingly. It is my desire to have this fact recognized, and rezoned accordingly.

Early History

Year	Business	Owner	Source
1920	Tailor	Alex Lohrenz	Delorez Lutz
1922	Windsor Furniture	Joe Robrocki	Delorez Lutz
1922-24	? Taxsale	Fred Wazmiller	Delorez Lutz
1935-68	Community Cold Storage (Meat locker, smoke house, game processing)	Chris Schmidt & Family	[photo 1 & 2]
Sources: <u>Walk Through Windsor</u> by Mary Lindblah page 137 [see exhibit 1]			
<u>Highlights in the History of Windsor</u> by Roy Ray page 89			
Morey, Lutz, Vetter, Denny			
1936-1942	Manweiler's Grocery		Janice Manweiler
1947	ownership transferred to sons Paul & Herman		Delorez Lutz
1955	Baumgardner Grocery		Lutz
1957	Community Cold Storage		Lutz
1968	Second-hand Store/Warehouse		Lutz [photo 3]
1969-1971	Windsor Upholstery	Johnny Cruze	JohnnyCruze [photos 4/5]
1972-1984	Grocery Store 2 nd Hand Store Painting Store	Keith Schifield	[exhibit 2] Gene-Tom Ladd
1985-1989	Tri-City Bicycles and Hobbies	Larry/Dawn Cole	[photo 5 & exhibits 3 & 4]
Source: Weld Ct/Town of Windsor/Morey			
1989	Windsor Flooring	Mike Edwards	
1990	Warehouse	John Baldwin	
1992	Windsor Brick Homes	Greg Tuttle	Weld Ct/Town of Windsor
1996-97	Windsor Heating & AC & Trane Furnace		
1997-98	Joe Giorgiaone Construction-Joe and Marlene moved to NE Friends/customers of Tom/Doug Morey Northern Colorado Partitions		
1999	Warehouse and Apartment-Property trade to Todd Bruteig		
2000-02	Warehouse/Apartment		Leased to: Bart Kellogg [photos 6 & 7]
2003	SuPerTech-Surface Perfection Technology (Consulting, contract race mechanic, restoration)		Dennis Zickrick

Today's Dilemma

1. 325 3rd St has been a warehouse for 85 years
2. taxed for multi-use.
3. Today's status, according to the Town of Windsor, is residential based on a zoning map colored in 1960. [exhibit 7]
4. Minimum lot size in Windsor is 6000 square feet. This lot is 4700 square feet.
5. The ratio of building per lot size does not make current specifications. With the building being too large for the lot. Building is also too close to the property line.
6. multi-use not available; special use permit not available." this is the only building in Windsor taxed commercial on residential.

Tax Issues

Weld County Assessors account type for this property is Commercial.

I have been paying the Commercial equivalent for this property-

Commercial at 29% = \$2440

Residential tax for this property would be 7.9% or (approximately) \$925.

State statute 39- 1-103 (5,c) states that it will remain classified as a commercial property until which time it conforms to and passes all standards and inspections for a residential property classification. {exhibit 8}

When I approached Weld County to ask why I have been paying commercial taxes if the Town of Windsor claims the property to be of Residential Usage, they said that the tax classification is based on its previous usage. They have pictures and documentation to verify that the usage of this property is commercial.

Therefore I have a building that the Town of Windsor will only classify as a Residence, and which the State of Colorado and Weld County will only classify as Commercial.

Other companies that have refused to give me residential rates because they know the building to be a warehouse are as follows:

1. Excel Energy – records indicate “commercial-size power boxes”
2. ADT security company – installed alarm system in the warehouse
3. American Family – when I asked American Family Insurance, who cover my business insurance to verify what would be covered if the property were to be destroyed, they performed an audit. At this time they visited the property, and took measurements and formed their own analysis of the situation. Their findings can be read in [exhibit 5] where they stated that the insurance would cover only what the structure had been insured for, in other words, “a multi-use warehouse”.

V. POSSIBLE OUTCOMES

The BOA has two choices: it may either **affirm Zoning Officer's decision or reverse it**. BOA cannot impose conditions, "bargain" with the applicant, "bargain" with Town representatives, or re-write the Zoning Code.

Regardless of the outcome announced at the conclusion of the proceedings, the decision should be put in writing by Special Counsel, signed and dated by the Chair. Staff will see to it that the written decision is delivered to the applicant and filed in Town records.

Commercial Property Tax Payers

Previous tenants that also paid the taxes according to the Commercial multi-use basis (and not Residential) dating back to 1989 (apparently going back at least as far as 1976 [exhibits 2 and 6])

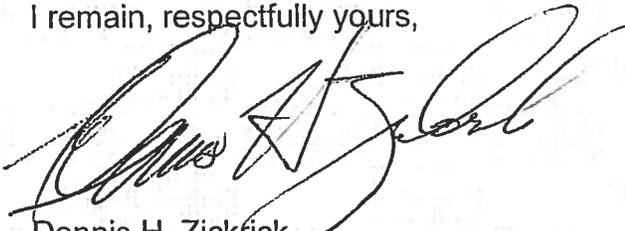
1. 6/30/89 Larry and Dawn Cole Tri city Bicycles
2. 6/29/1990 John D Baldwin
3. 11/20/1992 Gregory A and Cathy J Tuttle
4. 7/10/1998 Pietro Maureen S Giorgione
5. 1/2/2003 Todd R Bruteig

In Conclusion:

I, Dennis Zickrick, own a multi-use (office, warehouse, residential) building at 325 3rd Street. The building has a long history, through the present, as a Commercial Property and has been taxed accordingly. The Town of Windsor has a map colored in 1960 depicting it being on the western edge of a Residential area. No special permits, variances and exceptions can be made unless you, on the board of Appeals, can correct this error and re-assign the proper title of Commercial to this property. I have attempted to present substantial corroborating documentation for this action to be warranted. I thank you for your time.

Please contact me if you require any additional information.

I remain, respectfully yours,



Dennis H. Zickfick
970.481.5359

Description of Photos and Exhibits

- Photo 1 - Community Storage
- Photo 2 - Community Storage
- Photo 3 - Lettering that remains on the side of the building
- Photo 4 - Upholstery sign - found in the building when purchased by DH Zickrick
- Photo 5 - Tri-City Bicycles
- Photo 6 - 325 3rd Street year, 2000
- Photo 7 - 325 3rd Street year, 2010
- Exhibit 1 - Walk Through Windsor excerpt from publication by Mary Lindblah, page 137
- Exhibit 2 - Grocery Store
- Exhibit 3 - Tri City Bicycles
- Exhibit 4 - Tri City Bicycles
- Exhibit 5 - American Family Insurance Letter
- Exhibit 6 - a. Weld County Assessor Property Profile: Account # R0050689
b. Weld County Statement of Taxes Due
- Exhibit 7 - Colored Map of the Area
- Exhibit 8 - Colorado State Statute

Personal References/Contacts:

Walk Through Windsor by Mary Lindblah page 137

Highlights in the History of Windsor by Roy Ray page 89

Carrie Knight	City Historic Society 674.2443
Donna Schmidts	686.2841
Tom Ladd	686.7545/218.7195
Johnny Cruze	686.7310
Todd Bruteig	686.7589
Gene Morey	686.2713
Tom Morey	686.0806
Mike Edwards	412.2825
Delores Lutz	686.9244
Janice Mnweiler	686.9934
Bart Kellogg	282.0344

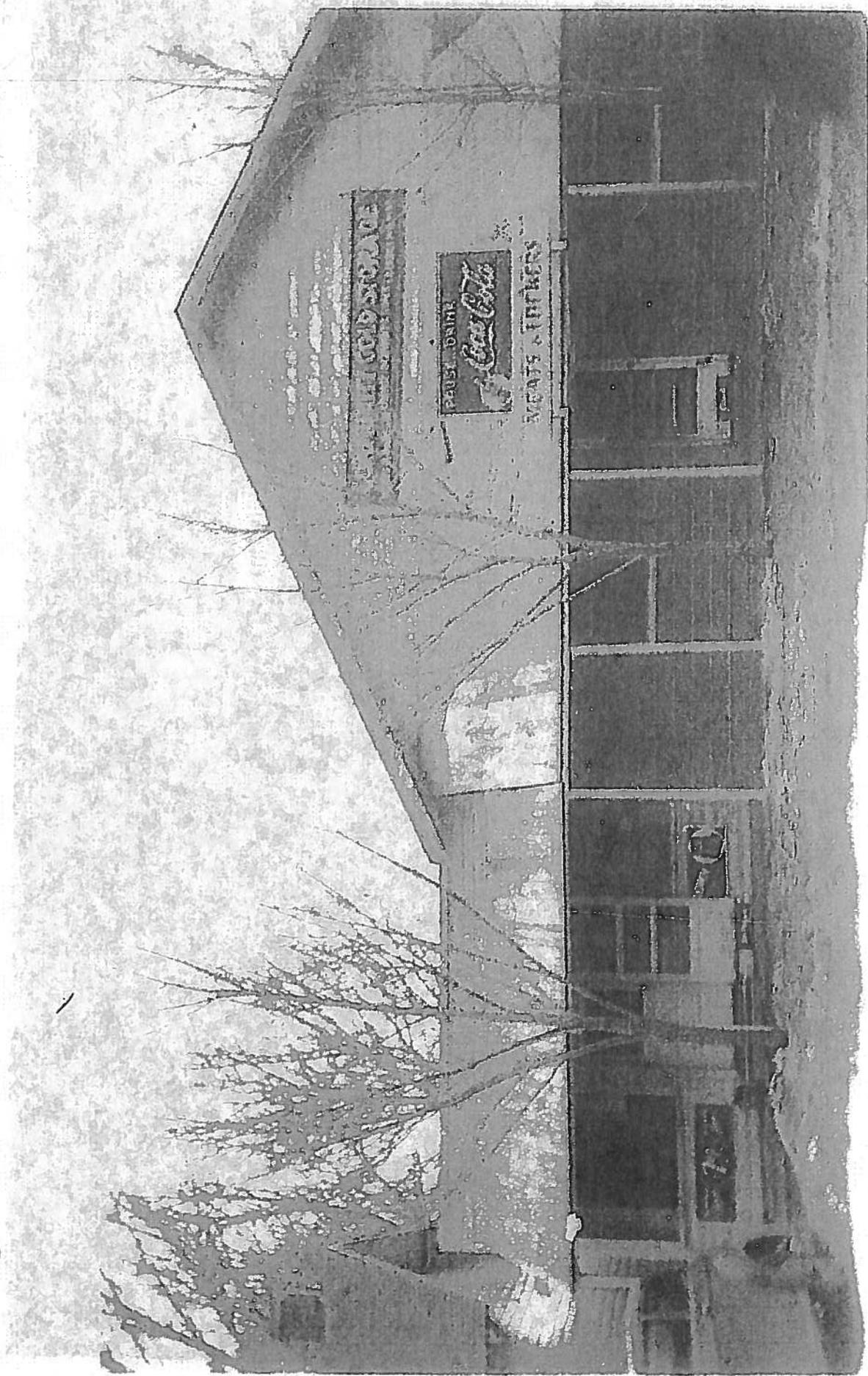
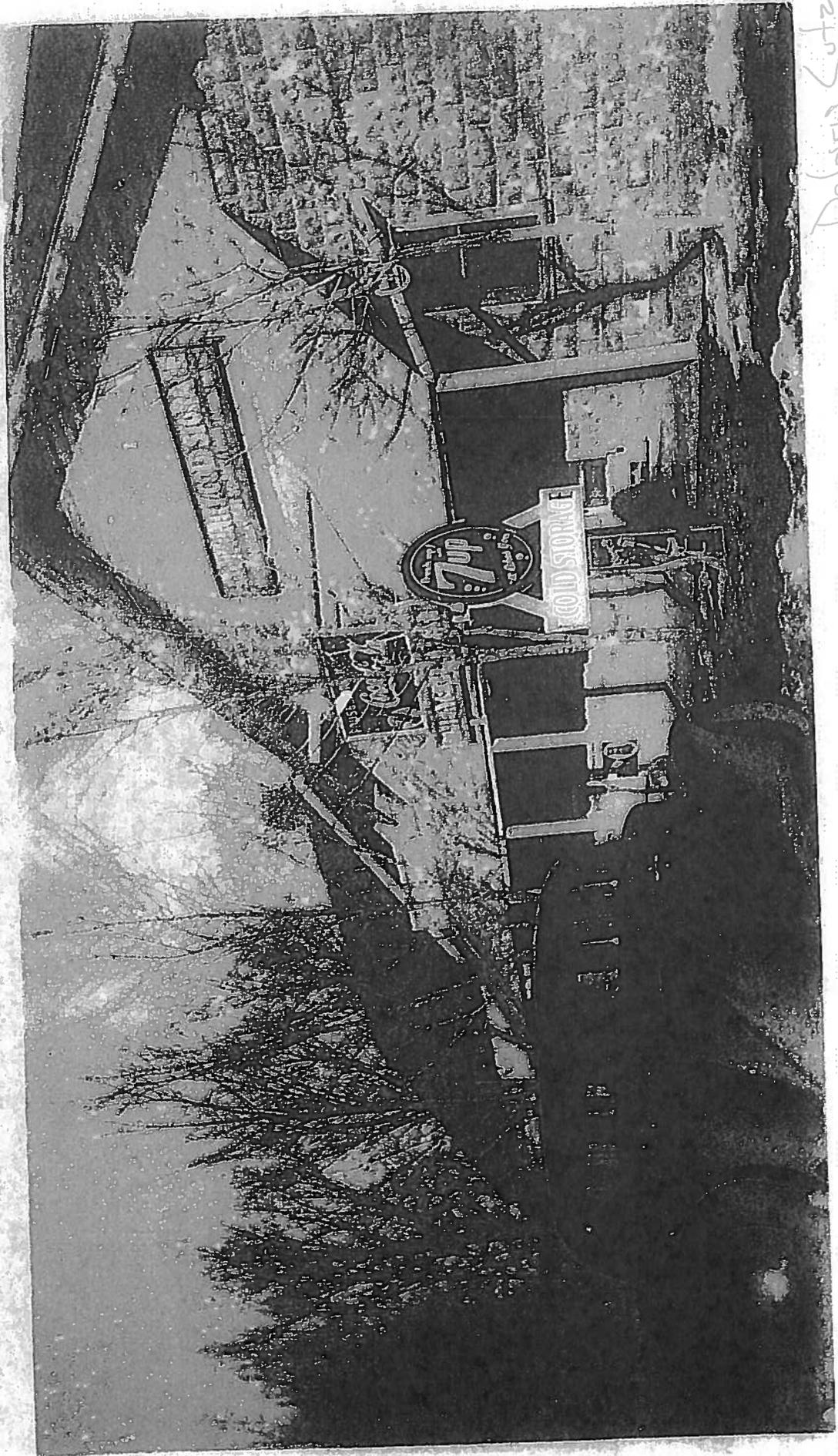


Photo 1

Dickinson 7.17.03 - 2003



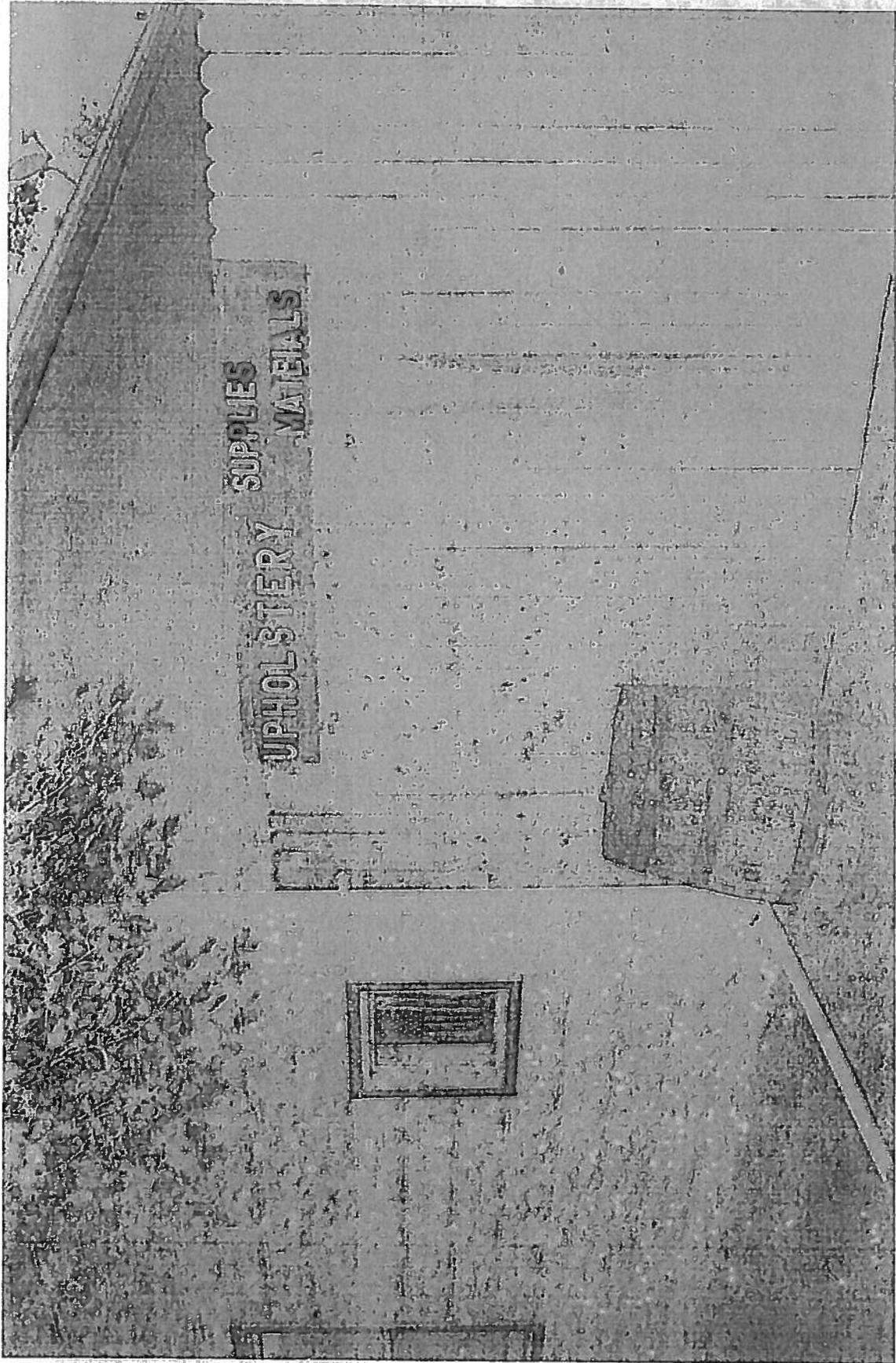
2002
Phot

Deloris Cutz

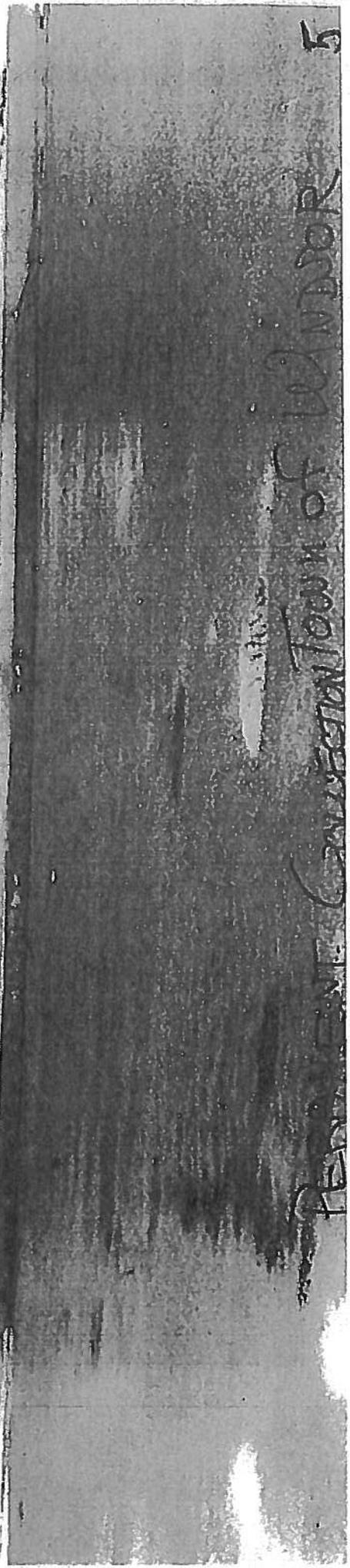
Photo 3



Photo 4



MOVEMENT COLLECTION
TOWN OF WINDSOR



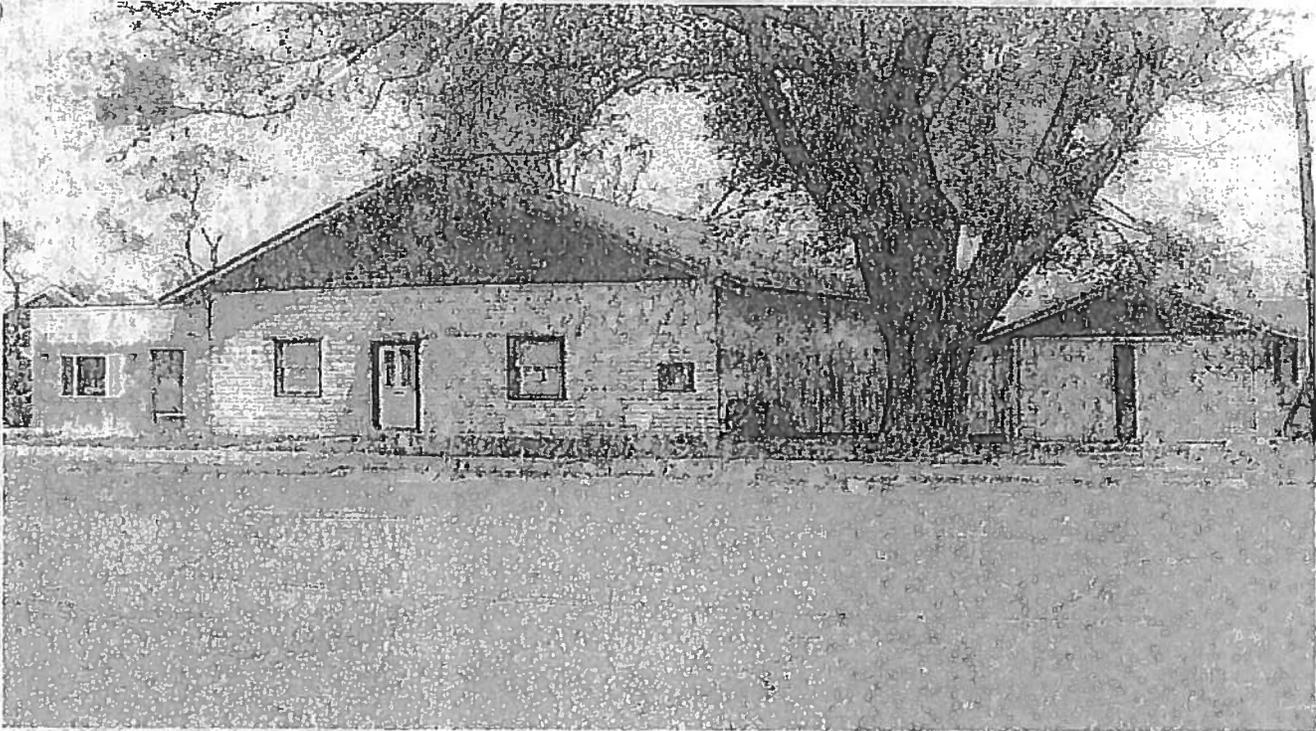
PERMANENT COLLECTION TOWN OF WINDSOR 5

Photo 6

Sketches\Photos for Acct# R0050689

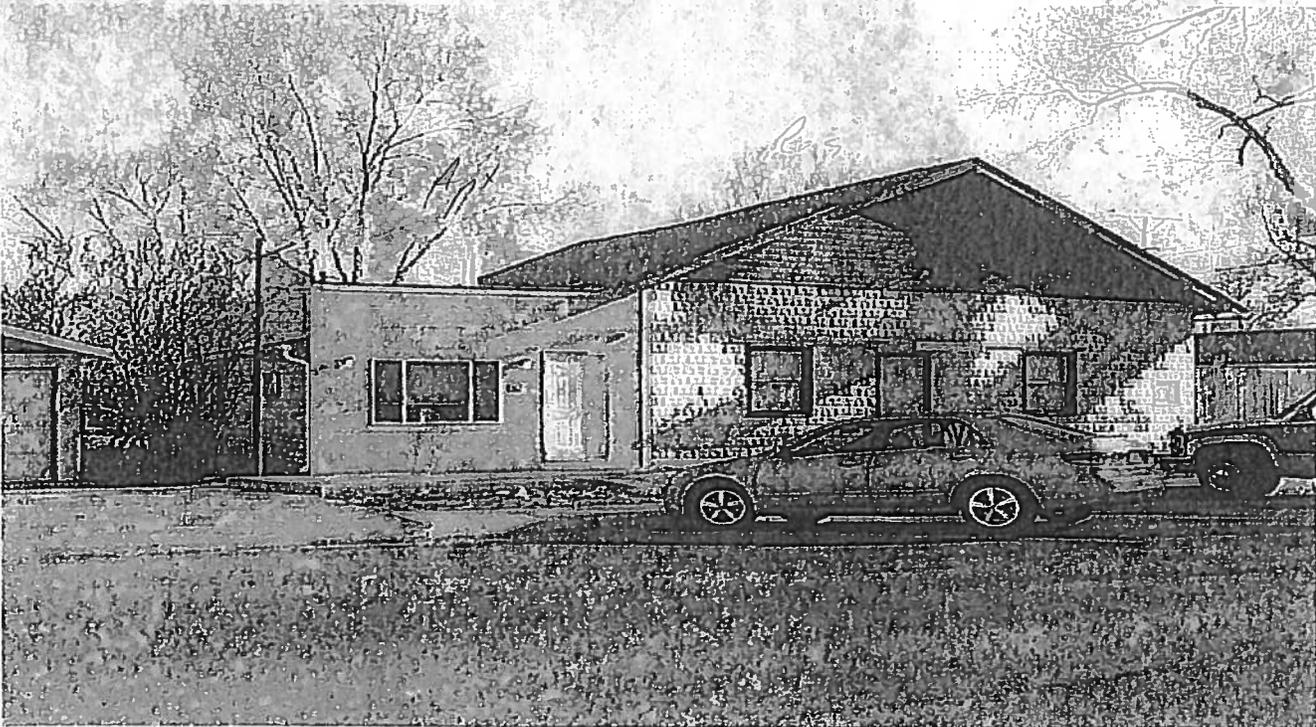
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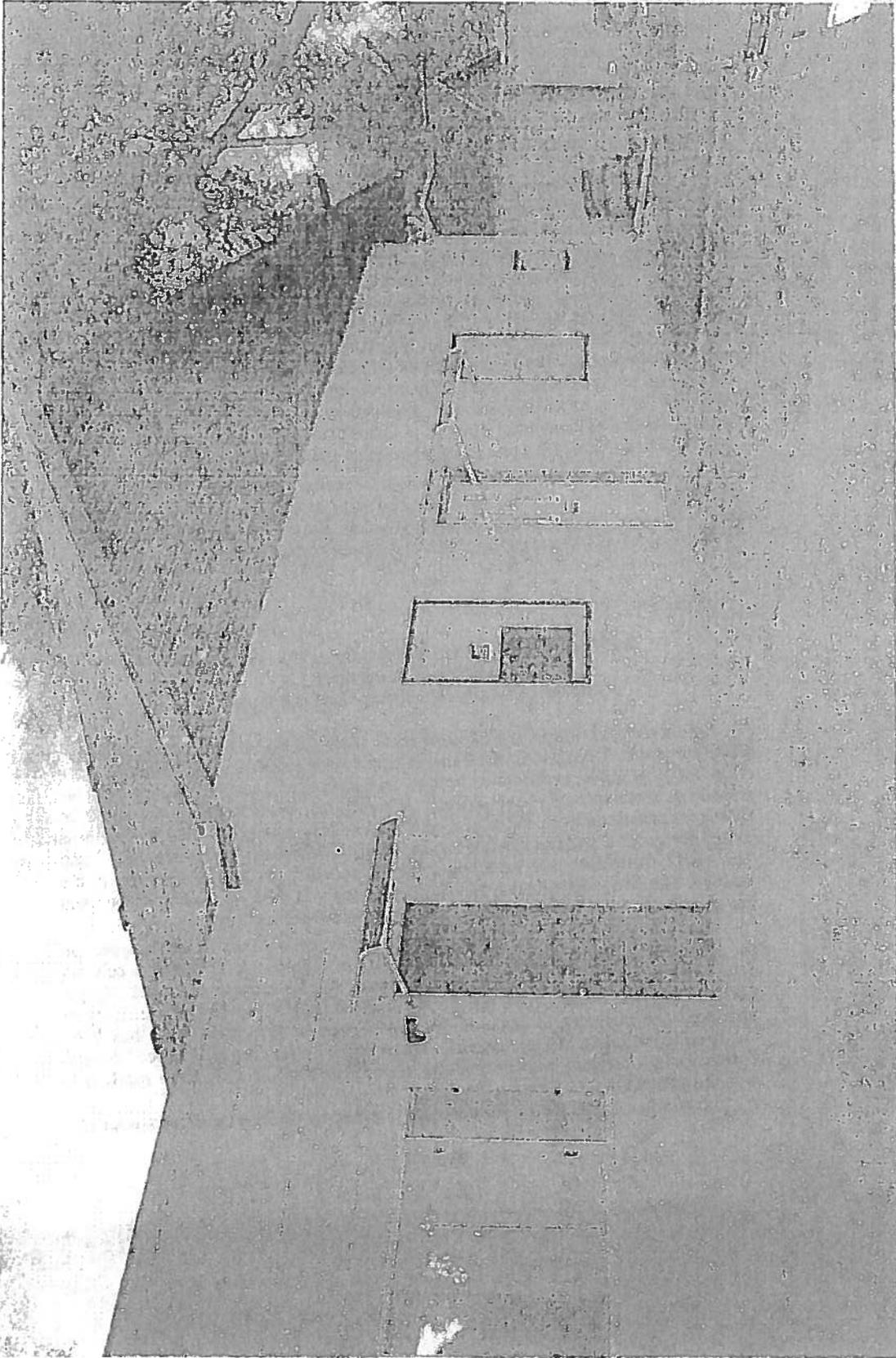
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R8

Photo 7



eral additions to the building and e development of the business was s for other smaller packing and southern Wyoming.

meat inspection, from Weld and for the last four years, under The business is still a family wife), and two sons, Wayne and and one part-time, semi-retired

fluence in the business community rs." Customers come from miles

lbert, owned and operated several the forties into the middle sixties. for the Colorado Condensery. He Ehrlich in 1944. Charlie Flinn and lk routes to Johnstown and hauled veloped a Grade A milk route, he grew from a sixty-can pick-up to Denver daily. Reinhold operated milk picked up from Highway 85 ing line. He also sold Funk seed

uling service called "Dan the en Al Ehrlich purchased it. Many stic use. Al, along with farmers m a water outlet north of the hay By 1959 Reinhold had purchased his brother Ted's. (About a year hauling service which Harry had l his water from an outlet west of water-hauling businesses in 1966, Weld water system. Al drove for ld ties.

her Robert owned the Bank Hotel iso owned and operated a Dairy completely remodeled the old e time. Ed Eichorn's Home ved by Sorenson's Jewelers. The

rn for several years in the late e been E. C. Wigle's Amusement

id what is this? s ain?

population of fifteen hundred in RES when a population of three ocery store. Merchants selling mercantile (already discussed),

Community Cold Storage, Eichler's Grocery and Market (sold to Yauks), Lorenz Grocery and Market, Service Grocery, Shephard's Grocery, and Windsor Grocery and Market (sold to George Teller). Within five years only the Windsor Merc, Community Cold Storage, and the Service Grocery remained under the same name, with Shephard's Grocery, and Lorenz Grocery and Market disappearing altogether. The sixteen year-old O'Connell Service Grocery became Lin's Market in 1947. Roy and Ova Reynolds bought the business from Lin Graves in 1952 and kept Roy's Market, where one received "Service with a Smile," until 1961. Then Tom and Pat Morey bought the store and operated it as Tom and Pat's Market until 1971, when Tom joined his father in the salvage business.

Schmidt's Community Cold Storage on Third Street between Walnut and Elm had been in the Chris Schmidt family for thirty-three years before it was sold in 1968. After his purchase of George Manweiler's Windsor Grocery and Market in 1943, George Teller opened a grocery next to the Post Office on Main Street and operated it until 1954, when he sold it to Sam and Mollie Schauerman of Severance. The Schauermans sold groceries in their S & M Market until 1969, when Mr. and Mrs. Dudley operated it for a very short time. In 1970 Gladys Schimp, who had worked at S & M for many years, and Ron Hettinger, along with Gladys' sister Delores as a partner, took over the business and operated it as the S & H Market until 1976. Al Hahn and his wife Nancy tried unsuccessfully for a short time to run the business, but finally closed it in 1977. Many Windsorites, especially the older German residents, were very upset not to have a grocery store on downtown Main Street and not to be able to talk to a grocery clerk in their native language. George Schmidt had a meat market and grocery store north of Main Street at the northeast edge of town for a number of years. Now the little country grocery store seems to be a thing of the past, at least in downtown Windsor.

A big, modern grocery store, Steffens' Market, owned by Vic Steffens, has been at Windsor West since 1974 and probably will serve Windsor for years to come. Windsor Square Supermarket opened in 1976 to remain in business only a short time. A 7-11 store, arriving in 1975, is located at Seventh and West Main.

We'll hurry to the **DRUG STORE** for a "chocolate short" and then to the **DAIRY**, and on for some goodies at the **BAKER'S SHOP**.

An old-time business to disappear from Main Street in 1964 was the Frazier **DRUG STORE**. Druggist L. E. Frazier had owned and operated his drug store from 1903 to 1953. His nephew Jim bought the business and ran it until 1963, when he closed the store to begin employment as a pharmacist in Greeley. Ira and Eve Childs reopened the store and operated it for less than a year. By 1964 the business closed for good. Customers recall buying many a delicious "chocolate short" and "tin roof" from Jim and assorted school supplies from Laura Frazier, Jim's mother. The drug store had a fountain with stools as well as several tables and chairs and booths at which to enjoy Frazier's special concoctions.

The other drug store in town in the forties was the Windsor Drug Company on the corner at 431 Main. In 1943 after nine years in Windsor, L. H. Roberts sold his drug store to Mr. and Mrs. Eston T. Wilkinson. The Wilkinsons operated Terry's Corner Drug until 1959, when the Wayne Liesers bought the drug store. They in turn sold the business to Sig and Marian Jansen in 1975. The store has been enlarged to include a gift center and a retail liquor outlet; it's still called Lieser's Corner Drug and contains the popular counter and stools that have made it a favorite gathering spot through the years.

The Windsor Drug, out at Windsor West, owned by George Graff, now supplies

Exhibit 6

4

SUBDIVISION _____ **CITY** _____ **TWP RANGE** _____ **SECTION** _____

TRACT NO. _____ **PLAT NO.** _____

CRAP PROPERTY ADDRESS _____ **ZIP CODE** _____

OWNER NAME _____ **CITY** _____ **STATE** _____

STREET ADDRESS _____

REMARKS

OWNER NAME _____ **LAST NAME** _____

LEGAL DESCRIPTION



TRACT NO.	SUBJECT PROPERTY	LEGAL DESCRIPTION	APPROXIMATE AREA		APPROXIMATE VALUE
			SQ. FT.	ACRES	
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100

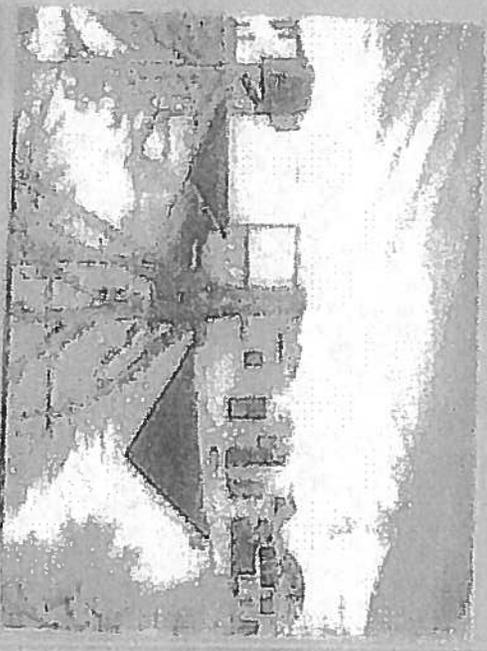
Prepared by: _____

Date: _____

Exhibit 3

2

(...)



PLAN OF PROPOSED CROPY-SCALE APPROACH

APPROXIMATION OF FACTORS POSITIVELY OR NEGATIVELY AFFECTING MARKET VALUE

Factor	Impact
Market Approach	+
Income Approach	+
Cost of Construction	+
Quality of Construction	+

Category	Value
Market Value	100
Income Value	100
Cost of Construction	100
Quality of Construction	100
Total	400

Property Description	Area	Use	Market Value	Income Value	Cost of Construction	Quality of Construction	Total Value
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MARKET VALUE IN THE VICINITY OF THE TOTAL PROPERTY

ASSESSOR'S VALUE

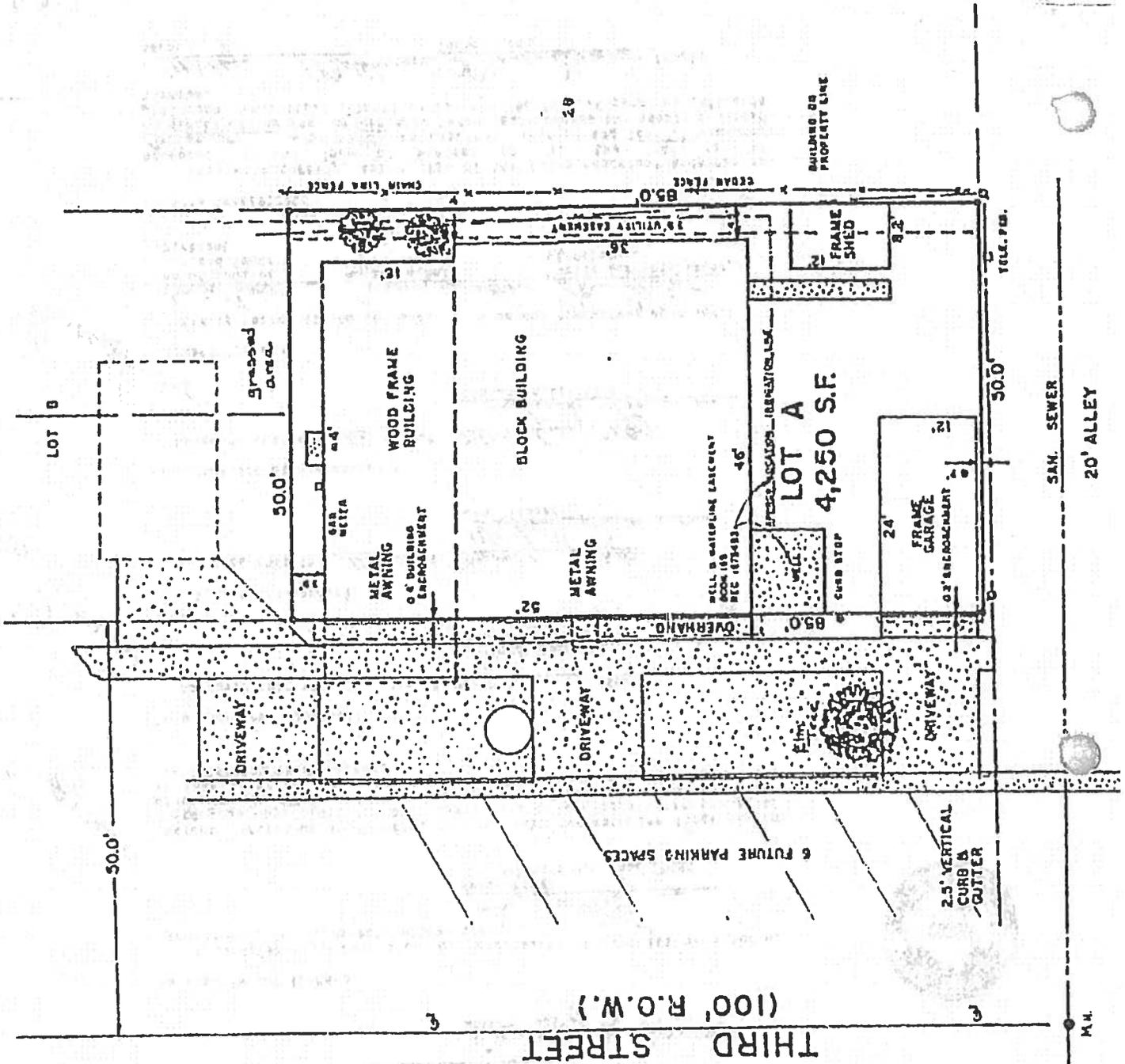
MARKET VALUE

MARKET VALUE

MARKET VALUE

MARKET VALUE

MARKET VALUE



ARCO FOR: LARRY COLE
 325 3/4 STREET
 WINNEMUN, CO 80110
 PHONE 686-9410

SAN. SEWER
 20' ALLEY

20
 BUILTING OR
 PROPERTY LINE

THIRD STREET
 (100' R.O.W.)

15 Mayor

This is to certify that a plat of the above described property is approved by the town of Windsor on this 13th day of September, A.D. 1989 and that the Mayor of the town of Windsor, hereby acknowledges and accepts the said plat upon which this certificate is ordered for all purposes indicated thereon.

Mayor's Certificate

Utility easements are adequate as shown and hereby approved.
Town of Windsor
Water and Sewer Department
John of Windsor
Public Service Company of Colorado

Approved this 20th day of October, 1989
Town Administrator's Approval

Approved this 20th day of October, 1989
Town Planner's Approval

Approved this 21st day of Sept. 1989.
Town Engineer's Approval

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

Surveyor's Certificate
I certify this plat accurately represents the results of a survey made by me under my direct supervision.

Joseph J. Barolo
Notary Public

My commission expires 03-12-91
Notarial Certificate
State of Colorado
County of Weld
The foregoing instrument was acknowledged before me by
Dawn Cole on this 19th day of September, 1989
Witness my hand and seal.

In witness whereof, we have hereunto set our hands and seals this 19th day of September, 1989.
I, the undersigned, being the sole owners of the land described herein, have caused said land to be laid out and platted under the name of the City of Windsor and hereby dedicate to the public forever all streets, alleys and utility easements as indicated hereon. In compliance with the plan of the Windsor Subdivision Regulations and by contractual agreement, the undersigned shall bear all expenses involved in improvements.

Lot A, Clearwater Subdivision, a subdivision of the town of Windsor, Weld County, Colorado.

Town of Windsor

Town Planners

Town Engineer



Exhibit 4

With favor of Windsor

From: Gerk, Cindy M <CGERK@amfam.com>
To: sptwindsor <sptwindsor@aol.com>
Subject: FW: Dennis Zickrick 05XF360903
Date: Mon, 25 Apr 2011 5:39 pm
Attachments: zickrick.pdf (172K)

Dennis,

Please read below...
CG

From: Hart, Kelly R
Sent: Sunday, April 24, 2011 12:01 PM
To: Gerk, Cindy M
Subject: FW: Dennis Zickrick 05XF360903

Cindy, On the Commercial/Residential issue, we would owe to replace the property (in the event of a total loss) with the type of construction it was prior to the loss. If it was mercantile/retail or residential, that is what we would owe for. That is about the best I can do. The insured of course can take the money and proceed however they want.
Kelly

From: Gerk, Cindy M
Sent: Friday, April 22, 2011 4:12 PM
To: Hart, Kelly R
Subject: Dennis Zickrick 05XF360903

Hi Kelly,

Dennis Zickrick is looking to possibly sell his property. It is currently written as a BKP with property coverage. The city is saying he has residential property and it cannot be sold as a commercial property. Attached is a brochure of his property – not very good though. I can get another photo if necessary. Can he get something in writing to take to the city of Windsor that says if it burns down, it would be replaced as a commercial property and not replaced as a residential property?

Thank you for everything.
Cindy

Cindy Gerk
American Family Insurance
4050 Timberline Rd. Ste. 100
Fort Collins, CO 80525
970-377-0676 office
970-377-0668 fax
Ask me about life insurance...
Affordable peace of mind for you and those you love.

If you do not want to receive future unsolicited commercial email



6000 American Pkwy | Madison, WI 53783-0001 | 1-800-MY AMFAM (692-6326) | amfam.com

July 15, 2011

+0000192 016/316
ZICKRICK, DENNIS H
1708 MEADOWAIRE DR
FORT COLLINS CO 80525-9724

Insured: ZICKRICK, DENNIS H
Policy Number: 05XF3609
Policy Type: Commercial General Liability
Policy Period: May 21, 2010 to May 21, 2011
Audit Period: May 21, 2010 to May 21, 2011

Thank you for completing the necessary audit information for the above mentioned account!

Based on the results of the audit, there are no changes in your premium.

If you have any questions regarding this letter, please contact your American Family agent shown below.

Thank you for your support of our Commercial Lines Division!

MWL
Commercial Lines Division
American Family Mutual Insurance Company
MWL

cc: Cindy Gerk
016/316

WELD COUNTY ASSESSOR PROPERTY PROFILE

E. White G

Account #: R0050689

Parcel #: 080721210022

Local #:

MH Seq #:

MH Space:

Appr Year: 2011

Levy: 96.116

of Bldgs: 2

Create On: 09/07/1988

Tax Dist: 0420

Map #: 1267

LEA: 2D0600

Active On: 19890101

Assign To: NRL

Initials: CBA

Acct Type: Commercial

Inactive On:

New Growth: 0

Last Updated: 1/11/2011

Owner's Name and Address:

Property Address:

ZICKRICK DENNIS H

1708 MEADOWAIRE DR

FORT COLLINS CO 80525

ZICKRICK SANDRA

Street: 325 3 ST
City: WINDSOR

Business:

Sales Summary

Sale Date	Sale Price	Deed Type	Reception #	Book	Page #	Grantor
7/1/2003	\$123,000	WD	3080241			BRUTEIG TODD R
7/10/1998	\$68,000	WD	2625812			GIORGIONE PIETRO & MAUREEN S
11/20/1992	\$15,300		02312086	1360		TUTTLE GREGORY A & CATHY J
6/29/1990	\$37,000		02219287	1269		BALDWIN JOHN D
6/30/1989	\$35,800		02189950	1242		COLE LARRY C & DAWN

Legal Description

WIN LOT A CLEARWATER SUB						
Subdivision Name: CLEARWATER SUB						
Block	Lot	Tract	Section	Township	Range	
	A		21	06	67	

Land Valuation Summary

Land Type	Ag Code	Abst Code	Square Feet	Unit of Measure	Number Of Units	Value Per Unit	Actual Value	Assmt Percent	*Assessed Value
Commercial		2135	2,635	Square Feet	2635	\$4.00	\$10,540.00	0.29	\$3,060
Multiple Unit		1120	1,615	Square Feet	1615	\$4.00	\$6,460.00	0.0796	\$510

WELD COUNTY ASSESSOR PROPERTY PROFILE

Account #: R0050689

Parcel #: 080721210022

Local #:

MH Seq #:

MH Space:

Land Subtotal:	4250	\$17,000.00	\$3,570
-----------------------	------	-------------	---------

Buildings Valuation Summary

Bldg #	Property Type	Abst Code	Occupancy	Actual Value	Assmt Percent	*Assessed Value
1	Commercial	1220	352 - Multiple - Residential	\$40,559	0.0796	\$3,229
1	Commercial	2235	406 - Storage Warehouse	\$60,839	0.29	\$17,643
2	Commercial	2235	404 - Shed - Utility	\$2,370	0.29	\$687
Improvements Subtotal:				\$103,768		\$21,559

Total Property Value	\$120,768	\$25,129
-----------------------------	------------------	-----------------

*Approximate Assessed Value

Building #: 1	Condo SF	Condo % Land: 0	Condo % Bldg: 1	Unit Type:	Landscaping \$: \$0.00
Property Type: Commercial				Occupancy: Storage Warehouse	
Quality: Fair	Nbhd: 2907			Occupancy: Multiple - Residential	
Condition: CM-Typical	Nbhd Ext: 00				
Perimeter: 196	Nbhd Adj: 1				
Percent Comp: 100.00%					

WELD COUNTY ASSESSOR PROPERTY PROFILE

Account #: R0050689

Parcel #: 080721210022

Local #:

MH Seq #:

MH Space:

Individual Built As Detail

Built As:	Storage Warehouse	Year Built:	1935
Construction Type:	C	Year Remodeled:	
HVAC:	Space Heater	% Remodeled:	
Interior Finish:		Adj Year Blt:	1935
Roof Cover:		Effective Age:	20
Built As SF:	2360	Mh Make:	
# of Baths:		Tag Length/Width:	X
# of Bdrms:		Tag Length/Width:	X
# of Stories:	1	Mh Skirting LF:	
Story Height:	12	MH Skirting Type:	
Sprinkler SF:		Diameter:	
Capacity:		Height:	

Built As:	Multiple - Residential	Year Built:	1935
Construction Type:	D	Year Remodeled:	1950
HVAC:	Forced Air	% Remodeled:	1
Interior Finish:		Adj Year Blt:	1950
Roof Cover:		Effective Age:	10
Built As SF:	704	Mh Make:	
# of Baths:		Tag Length/Width:	X
# of Bdrms:		Tag Length/Width:	X
# of Stories:	1	Mh Skirting LF:	
Story Height:	8	MH Skirting Type:	
Sprinkler SF:		Diameter:	
Capacity:		Height:	

Building Details

Bldg #: 1	Units	Units Price	RCN	Actual Value
User				
Potential Tornado Damage	1	\$0.00	\$0.00	\$0.00

Value Details

RCN Cost/SF:	\$34.59	Design Adj %:	0	Func Obs %:	0
Total RCN:	\$105,984.00	Exterior Adj %:	0	Econ Obs %:	0
Phys Depr %:	0.2	Interior Adj %:	0	Other Obs %:	0
Phys Depr \$:	21197	Amateur Adj %:	0		
RCNLD \$:	\$51,200.00	RCNLD Cost/SF	\$16.71	Market/SF:	\$16.71

WELD COUNTY ASSESSOR PROPERTY PROFILE

Account #: R0050689

Parcel #: 080721210022

Local #:

MH Seq #:

MH Space:

Bldg #: 2 **Condo SF** **Condo % Land:** 0 **Condo % Bldg:** 1 **Unit Type:** **Landscaping \$:** \$0.00
Property Type: Commercial
Quality: Low **Nbhd:** 2907 **Occupancy:** Shed - Utility
Condition: CM-BelowTypical **Nbhd Ext:** 00
Perimeter: 72 **Nbhd Adj:** 1
Percent Comp: 100.00%

Individual Built As Detail

Built As:	Comm Shed - Utility	Year Built:	1935
Construction Type:	D	Year Remodeled:	
HVAC:	None	% Remodeled:	
Interior Finish:		Adj Year Blt:	1935
Roof Cover:		Effective Age:	75
Built As SF:	288	Mh Make:	
# of Baths:		Tag Length/Width:	X
# of Bdrms:		Tag Length/Width:	X
# of Stories:	1	Mh Skirting LF:	
Story Height:	7	MH Skirting Type:	
Sprinkler SF:		Diameter:	
Capacity:		Height:	

Building Details

Bldg #: 2	Units	Units Price	RCN	Actual Value
User				
Potential Tornado Damage	1	\$0.00	\$0.00	\$0.00

Value Details

RCN Cost/SF:	\$7.62	Design Adj %:	0	Func Obs %:	0
Total RCN:	\$2,195.00	Exterior Adj %:	0	Econ Obs %:	0
Phys Depr %:	0.88	Interior Adj %:	0	Other Obs %:	0
Phys Depr \$:	1932	Amateur Adj %:	0		
RCNLD \$:	\$600.00	RCNLD Cost/SF	\$2.08	Market/SF:	\$2.08

Weld County Treasurer Statement of Taxes Due

68

Account Number R0050689

Parcel 080721210022

Legal Description

Situs Address

WIN LOT A CLEARWATER SUB

325 3 ST WINDSOR 80550

Account: R0050689
ZICKRICK DENNIS H
1708 MEADOWAIRE DR
FORT COLLINS, CO 80525

Year	Charges	Billed	Payments	Balance
2010	Tax	\$2,368.30	\$0.00	\$2,368.30
Grand Total Due as of 01/25/2011				\$2,368.30

Tax Billed at 2010 Rates for Tax Area 0420 - 0420

Authority	Mill Levy	Amount	Values	Actual	Assessed
WELD COUNTY	16.8040000*	\$414.05	MULTI-UNITS(4-8)- LAND	\$5,581	\$440
SCHOOL DIST RE4	48.4490000	\$1,193.79	MULTI-UNITS(4-8)- IMPRVMTS	\$40,559	\$3,230
NORTHERN COLORADO WATER (NC)	1.0000000	\$24.64	WAREHOUSE/STOR AGE-LAND	\$9,107	\$2,640
WINDSOR TOWN	12.0300000	\$296.42	WAREHOUSE/STOR AGE-IMPS.	\$63,209	\$18,330
WINDSOR-SEVERANCE FIRE	7.1940000	\$177.26			
WINDSOR-SEVERANCE FIRE (BON)	0.7000000	\$17.25			
AIMS JUNIOR COLLEGE	6.3600000	\$156.71			
WINDSOR LIBRARY	3.5790000	\$88.18	Total	\$118,456	\$24,640
Taxes Billed 2010	96.1160000	\$2,368.30			

* Credit Levy

ALL TAX LIEN SALE AMOUNTS ARE SUBJECT TO CHANGE DUE TO ENDORSEMENT OF CURRENT TAXES BY THE LIENHOLDER OR TO ADVERTISING AND DISTRAINT WARRANT FEES.

CHANGES MAY OCCUR AND THE TREASURER'S OFFICE WILL NEED TO BE CONTACTED PRIOR TO REMITTANCE AFTER THE FOLLOWING DATES: PERSONAL PROPERTY AND MOBILE HOMES - AUGUST 1, REAL PROPERTY - AUGUST 1.

Weld County Treasurer

P.O. Box 458, Greeley CO 80632

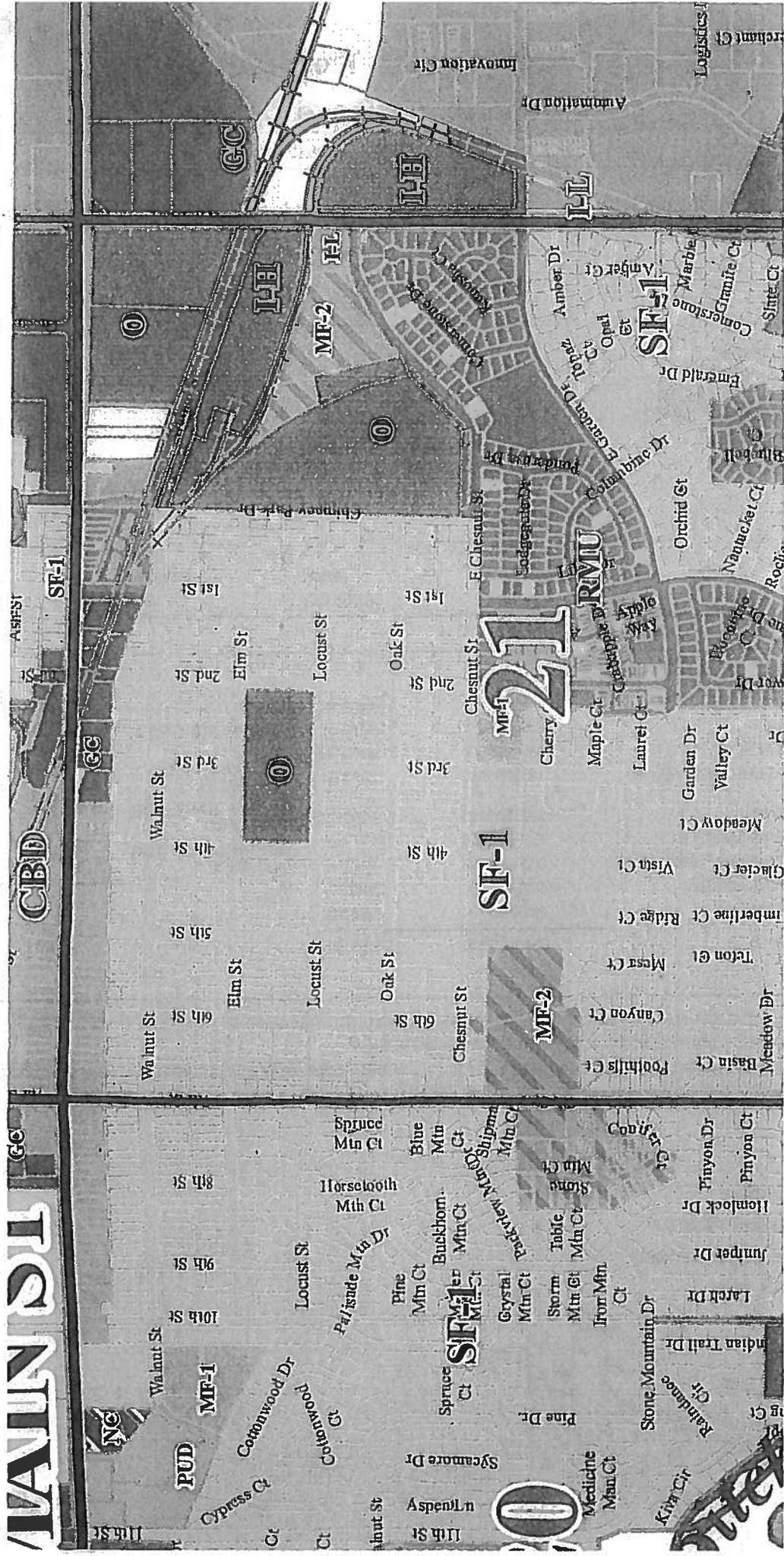
1400 N 17th Ave, Greeley CO 80631

(970) 353-3845 ext. 3290

*Re 7.96
Checked 29.9%*

P.S

Exhibit 7



WALNUT ST

CBD

SF-1

21 RVU

Map of Walnut St area showing zoning districts (SF-1, MF-1, MF-2, I-B, I-L, I-LL, CBD, PUD) and street names (Walnut St, Elm St, Locust St, Oak St, Cherry St, etc.).

Exhibit 8

5

From: Noel Lawrence <nlawrence@co.weld.co.us>

To: sptwindsor <sptwindsor@aol.com>

Subject: State Statute

Date: Thu, 14 Apr 2011 12:53 pm

Dennis, please see attached the definition of residential property and the statute requiring us to classify a property according to its last known use. Any luck on tracking down some documentation from the Town of Windsor that declares any use other than residential as illegal? Let me know. Thanks.

RESIDENTIAL IMPROVEMENT

Definitions.

(14.3) "Residential improvements" means a building, or that portion of a building, designed for use predominantly as a place of residency by a person, a family, or families. The term includes buildings, structures, fixtures, fences, amenities, and water rights that are an integral part of the residential use. The term also includes a manufactured home as defined in subsection (7.8) of this section, a mobile home as defined in subsection (8) of this section, and a modular home as defined in subsection (8.3) of this section.

§ 39-1-102, C.R.S.

Regarding valuation using current use, we typically refer to 39-1-103(5)(c) in the CRS (Colorado Revised Statutes). This section, copied below, should help explain our procedures.

39-1-103(5)(c) Once any property is classified for property tax purposes, it shall remain so classified until such time as its actual use changes or the assessor discovers that the classification is erroneous. The property owner shall endeavor to comply with the reasonable requests of the assessor to supply information which cannot be ascertained independently but which is necessary to determine actual use and properly classify the property when the assessor has evidence that there has been a change in the use of the property. Failure to supply such information shall not be the sole reason for reclassifying the property. Any such request for such information shall be accompanied by a notice that states that failure on the part of the property owner to supply such information will not be used as the sole reason for reclassifying the property in question. Subject to the availability of funds under the assessor's budget for such purpose, no later than May 1 of each year, the assessor shall inform each person whose property has been reclassified from agricultural land to any other classification of property of the reasons for such reclassification including, but not limited to, the basis for the determination that the actual use of the property has changed or that the classification of such property is erroneous.

Noel Lawrence

Commercial Appraiser

Assessor's Office

1400 N. 17th Avenue

Greeley, CO 80631

970-353-3845 ext. 3695

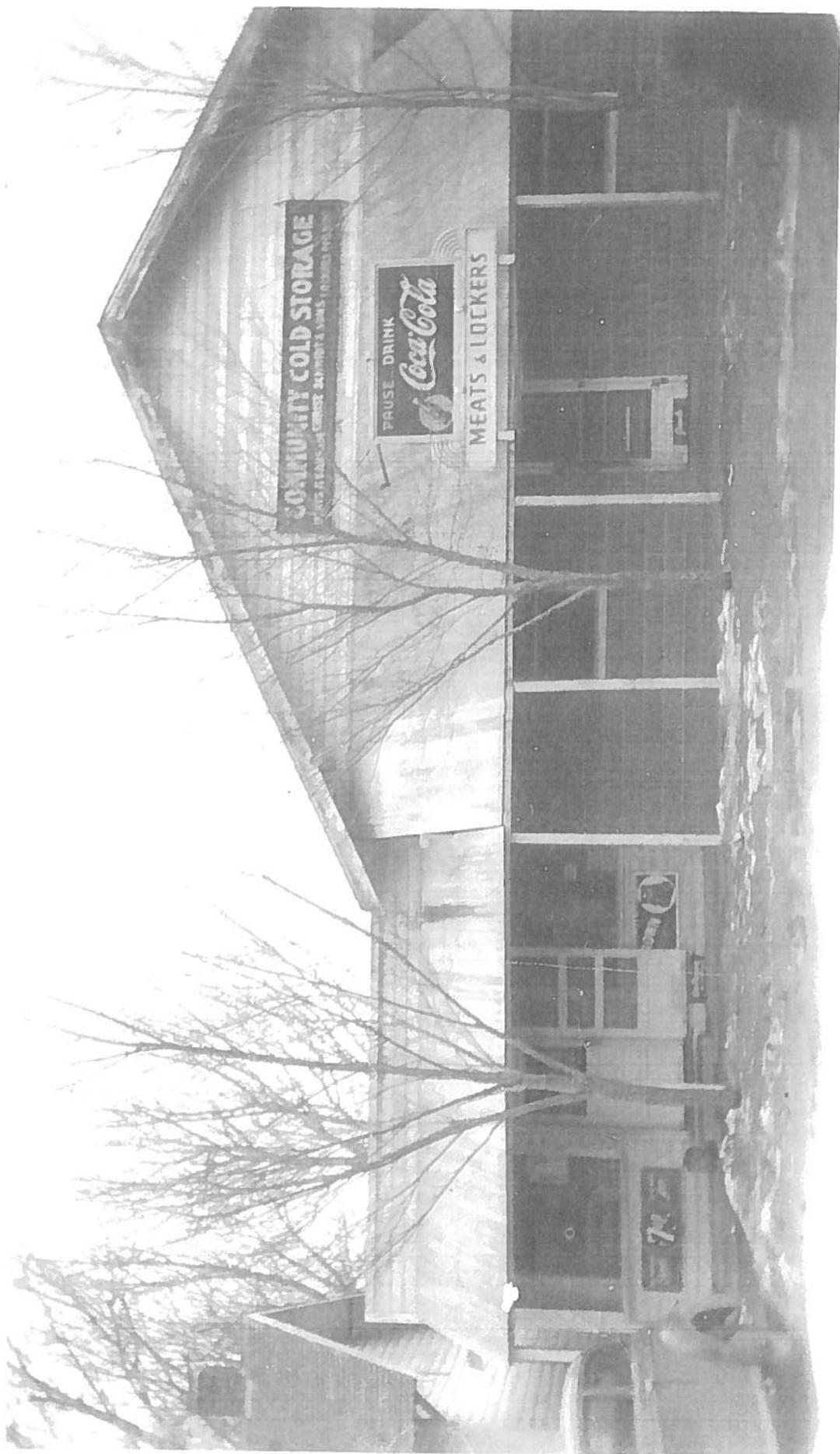
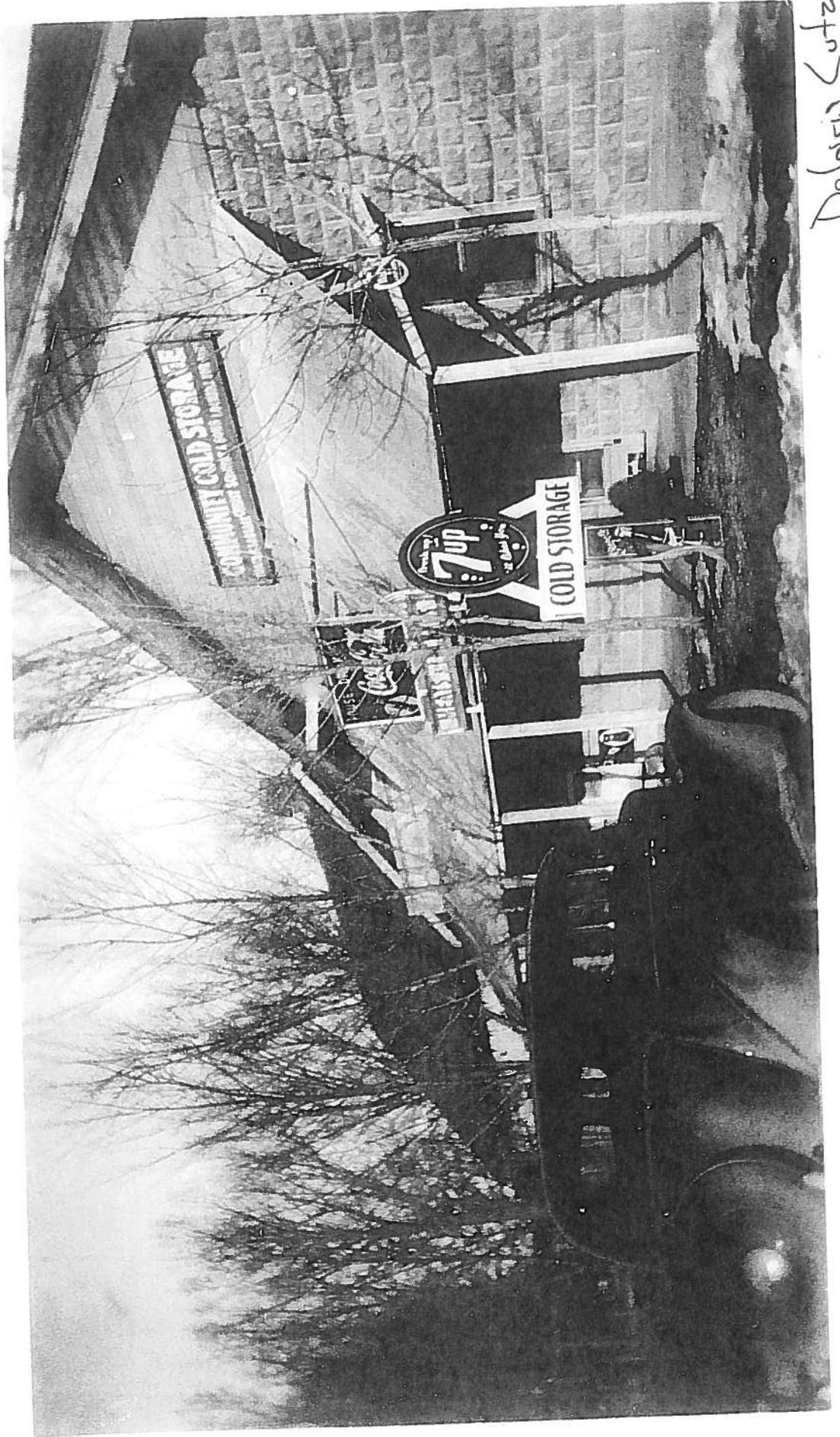


Exhibit 3 Zick Sick

Photo 1
D. L. Davis 7.1.12 - 2003



2002
Photo
Deborah Cutz

Photo 3

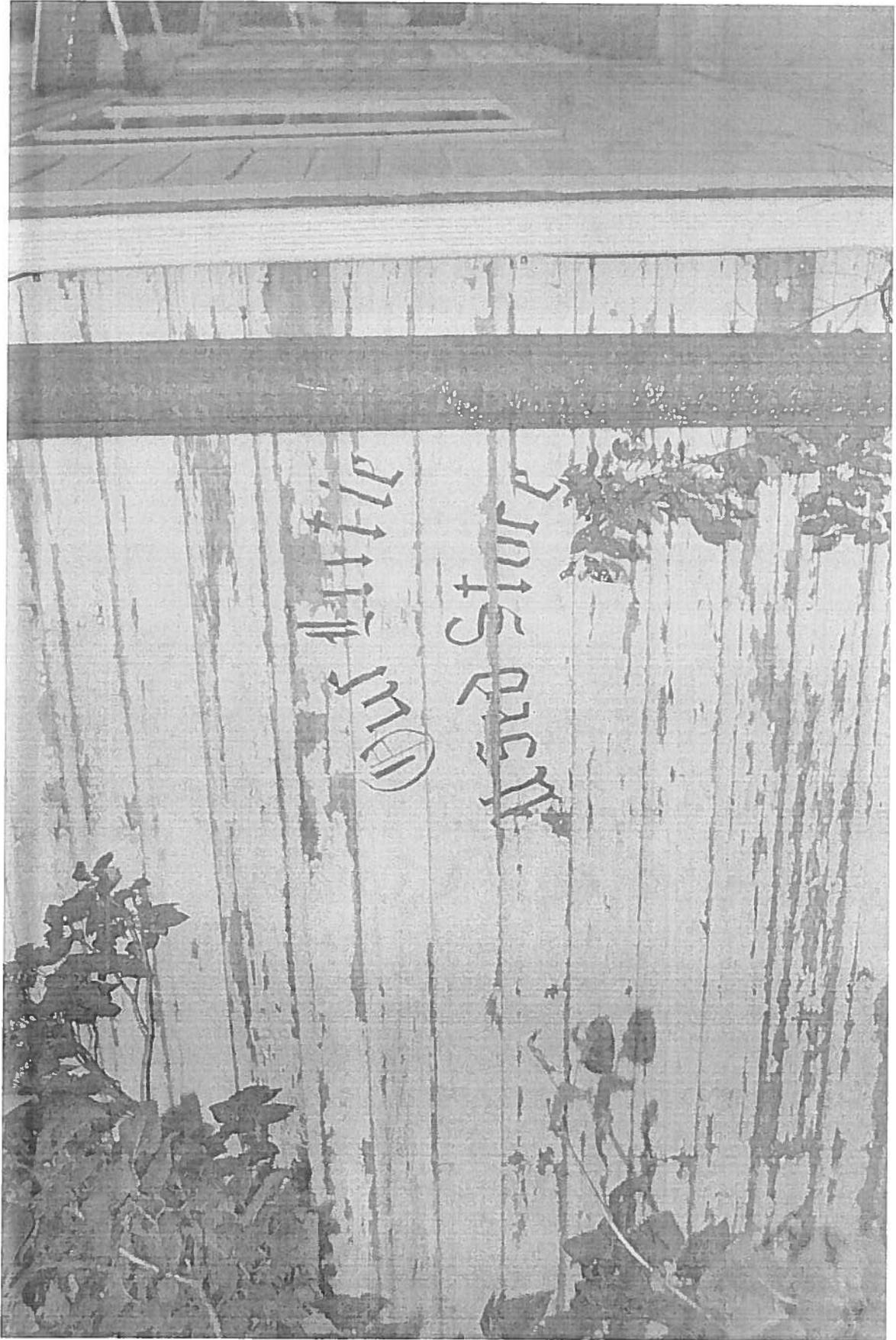
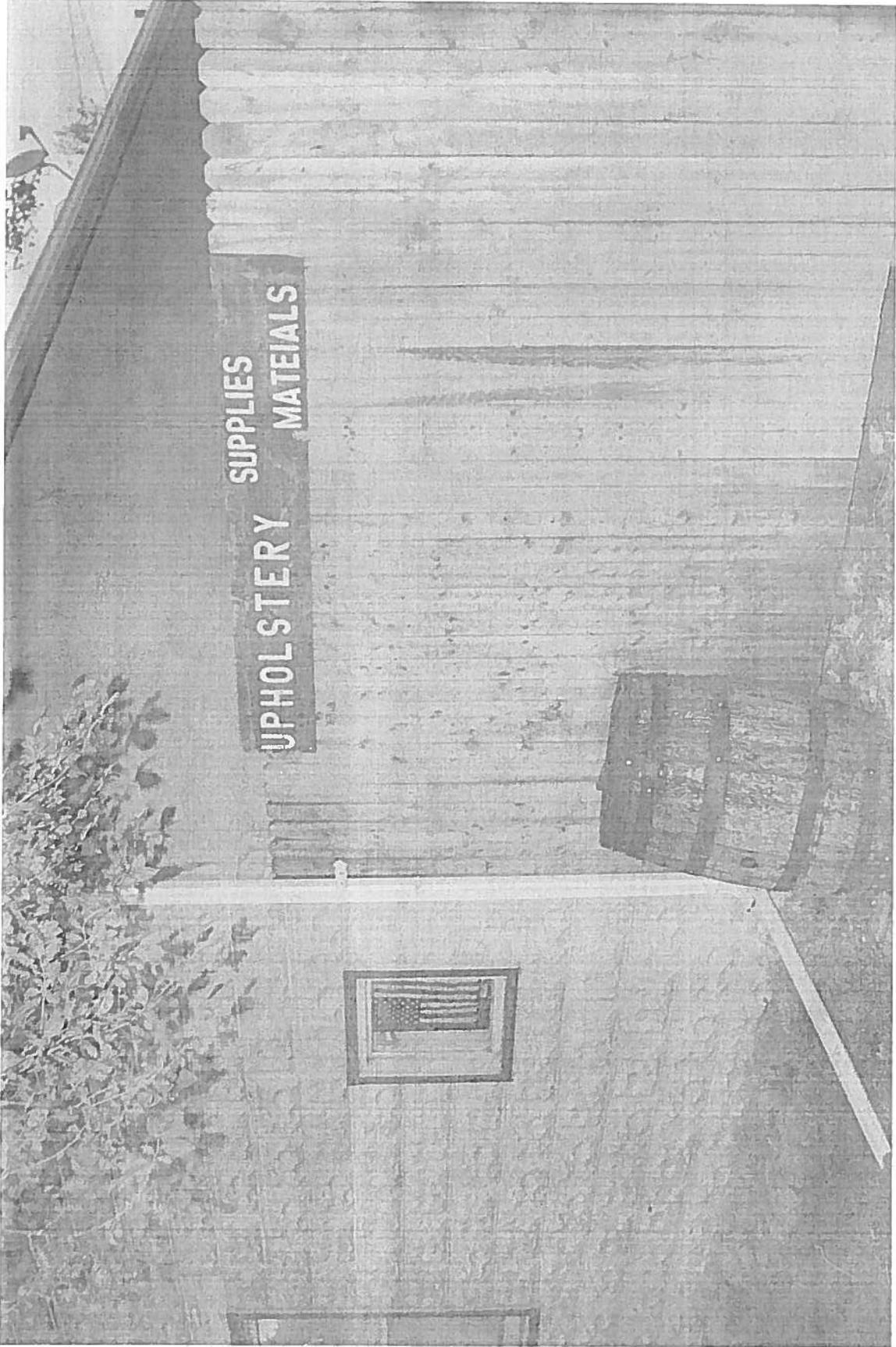


Photo 4



PERMANENT COLLECTION
TOWN OF WINDSOR



PERMANENT COLLECTION TOWN OF WINDSOR 5

Photo 6

Sketches\Photos for Acct# R0050689

BldgID: 1

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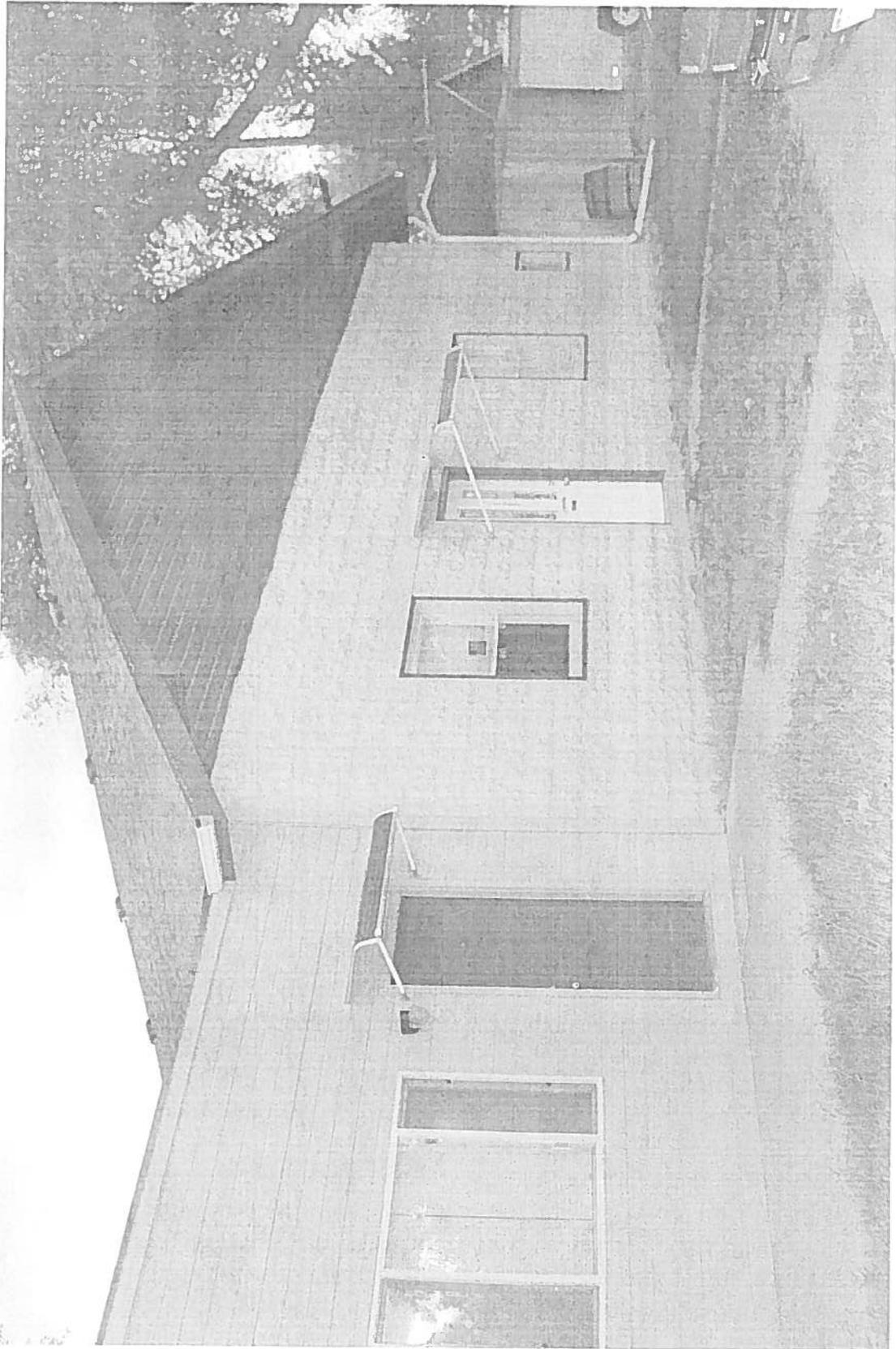
BldgID: 1

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788

Photo 7



eral additions to the building and development of the business was s for other smaller packing and southern Wyoming.

meat inspection, from Weld and for the last four years, under The business is still a family wife), and two sons, Wayne and and one part-time, semi-retired

fluence in the business community rs." Customers come from miles

bert, owned and operated several the forties into the middle sixties. for the Colorado Condensery. He Ehrlich in 1944. Charlie Flinn and lk routes to Johnstown and hauled veloped a Grade A milk route, he grew from a sixty-can pick-up to Denver daily. Reinhold operated milk picked up from Highway 85 ing line. He also sold Funk seed

uling service called "Dan the en Al Ehrlich purchased it. Many stic use. Al, along with farmers m a water outlet north of the hay

By 1959 Reinhold had purchased his brother Ted's. (About a year hauling service which Harry had l his water from an outlet west of water-hauling businesses in 1966, W water system. Al drove for ld ties.

her Robert owned the Bank Hotel so owned and operated a Dairy completely remodeled the old re time. Ed Eichorn's Home ved by Sorenson's Jewelers. The

rn for several years in the late e been E. C. Wigle's Amusement

What is this?
is
ain?

population of fifteen hundred in RES when a population of three ocery store. Merchants selling mercantile (already discussed),

Community Cold Storage, Eichler's Grocery and Market (sold to Yauks), Lorenz Grocery and Market, Service Grocery, Shephard's Grocery, and Windsor Grocery and Market (sold to George Teller). Within five years only the Windsor Merc, Community Cold Storage, and the Service Grocery remained under the same name, with Shephard's Grocery, and Lorenz Grocery and Market disappearing altogether. The sixteen year-old O'Connell Service Grocery became Lin's Market in 1947. Roy and Ova Reynolds bought the business from Lin Graves in 1952 and kept Roy's Market, where one received "Service with a Smile," until 1961. Then Tom and Pat Morey bought the store and operated it as Tom and Pat's Market until 1971, when Tom joined his father in the salvage business.

Schmidt's Community Cold Storage on Third Street between Walnut and Elm had been in the Chris Schmidt family for thirty-three years before it was sold in 1968. After his purchase of George Manweiler's Windsor Grocery and Market in 1943, George Teller opened a grocery next to the Post Office on Main Street and operated it until 1954, when he sold it to Sam and Mollie Schauerman of Severance. The Schauermans sold groceries in their S & M Market until 1969, when Mr. and Mrs. Dudley operated it for a very short time. In 1970 Gladys Schimp, who had worked at S & M for many years, and Ron Hettinger, along with Gladys' sister Delores as a partner, took over the business and operated it as the S & H Market until 1976. Al Hahn and his wife Nancy tried unsuccessfully for a short time to run the business, but finally closed it in 1977. Many Windsorites, especially the older German residents, were very upset not to have a grocery store on downtown Main Street and not to be able to talk to a grocery clerk in their native language. George Schmidt had a meat market and grocery store north of Main Street at the northeast edge of town for a number of years. Now the little country grocery store seems to be a thing of the past, at least in downtown Windsor.

A big, modern grocery store, Steffens' Market, owned by Vic Steffens, has been at Windsor West since 1974 and probably will serve Windsor for years to come. Windsor Square Supermarket opened in 1976 to remain in business only a short time. A 7-11 store, arriving in 1975, is located at Seventh and West Main.

We'll hurry to the **DRUG STORE** for a "chocolate short"
and then to the **DAIRY**,
and on for some goodies at the **BAKER'S SHOP**.

An old-time business to disappear from Main Street in 1964 was the Frazier **DRUG STORE**. Druggist L. E. Frazier had owned and operated his drug store from 1903 to 1953. His nephew Jim bought the business and ran it until 1963, when he closed the store to begin employment as a pharmacist in Greeley. Ira and Eve Childs reopened the store and operated it for less than a year. By 1964 the business closed for good. Customers recall buying many a delicious "chocolate short" and "tin roof" from Jim and assorted school supplies from Laura Frazier, Jim's mother. The drug store had a fountain with stools as well as several tables and chairs and booths at which to enjoy Frazier's special concoctions.

The other drug store in town in the forties was the Windsor Drug Company on the corner at 431 Main. In 1943 after nine years in Windsor, L. H. Roberts sold his drug store to Mr. and Mrs. Eston T. Wilkinson. The Wilkinsons operated Terry's Corner Drug until 1959, when the Wayne Liesers bought the drug store. They in turn sold the business to Sig and Marian Jansen in 1975. The store has been enlarged to include a gift center and a retail liquor outlet; it's still called Lieser's Corner Drug and contains the popular counter and stools that have made it a favorite gathering spot through the years.

The Windsor Drug, out at Windsor West, owned by George Graff, now supplies

Lot A, Clearwater Subdivision, a subdivision of the Town of Windsor, Weld County, Colorado.

Exhibit 4

In witness whereof with Town of Windsor

Dedication

Know all men by these presents, that we the undersigned, being the sole owners of the land described herein, have caused said land to be laid out and platted under the name of The City of Windsor and hereby dedicate to the public forever all streets, alleys and utility easements as indicated hereon. In compliance with the laws of Windsor Subdivision Regulations and by contractual agreement, the signatories shall bear all expenses involved in improvements.

In witness whereof, we have hereunto set our hands and seals this 19th day of September, 1988.

Larry Cole Dawn Cole

Notarial Certificate

STATE OF COLORADO) COUNTY OF WELD) ss The foregoing instrument was acknowledged before me by Larry Cole Dawn Cole this 19th day of September, 1988. Witness my hand and seal.

My commission expires 03-12-91

Nancy J Brooks Notary Public

Surveyor's Certificate

I certify this plat accurately represents the results of a survey made by me under my direct supervision.

Kevin King LS. Colorado Reg. No. 20685



Notice: According to Colorado law you must commence any legal action based upon any defect in this survey within six 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.

Town Engineer's Approval

Approved this the 21 day of SEPT, 1988.

Donna Johnson Town Engineer

Town Planner's Approval

Approved this the 20th day of October, 1988.

Richard Johnson Town Planner

Town Administrator's Approval

Approved this the 20th day of October, 1988.

Richard Johnson Town Administrator

Easement Approval

Utility easements are adequate as shown and are hereby approved.

Donna Johnson Town of Windsor Water and Sewer Department Joanne Braden Registrar Bill Public Service Company of Colorado

Mayor's Certificate

This is to certify that a plat of the above described property is approved by the Town of Windsor on this the 19th day of September, A.D. 1988 and that the Mayor of the Town of Windsor, on behalf of the Town of Windsor, hereby acknowledges and adopts the said plat upon which this certificate is endorsed for all purposes indicated thereon.

W. Wayne Miller Mayor attest: Debrae Brunner (Seal) Town Clerk

Town Engineer

Town Planners approved

Town Administrator

Mayor

From: Gerk, Cindy M <CGERK@amfam.com>

To: sptwindsor <sptwindsor@aol.com>

Subject: FW: Dennis Zickrick 05XF360903

Date: Mon, 25 Apr 2011 5:39 pm

Attachments: zickrick.pdf (172K)

Dennis,

Please read below...

CG

From: Hart, Kelly R

Sent: Sunday, April 24, 2011 12:01 PM

To: Gerk, Cindy M

Subject: FW: Dennis Zickrick 05XF360903

Cindy, On the Commercial/Residential issue, we would owe to replace the property (in the event of a total loss) with the type of construction it was prior to the loss. If it was mercantile/retail or residential, that is what we would owe for. That is about the best I can do. The insured of course can take the money and proceed however they want.

Kelly

From: Gerk, Cindy M

Sent: Friday, April 22, 2011 4:12 PM

To: Hart, Kelly R

Subject: Dennis Zickrick 05XF360903

Hi Kelly,

Dennis Zickrick is looking to possibly sell his property. It is currently written as a BKP with property coverage. The city is saying he has residential property and it cannot be sold as a commercial property. Attached is a brochure of his property – not very good though. I can get another photo if necessary. Can he get something in writing to take to the city of Windsor that says if it burns down, it would be replaced as a commercial property and not replaced as a residential property?

Thank you for everything.

Cindy

Cindy Gerk

American Family Insurance

4050 Timberline Rd. Ste. 100

Fort Collins, CO 80525

970-377-0676 office

970-377-0668 fax

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