# AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

**Agenda Item:** Request for Conversion of Units, Condominiums to T

**Action Requested:** Board of County Commissioners' Signature

**Parties to the Agreement:**

**Term Begins:** **Term Ends:** **Grant Contract #:**

**Summary:**

Park Crest Townhomes, Lot 17, Block 5, Crested Butte South, Flg 2

**Fiscal Impact:**

**Submitted by:** Cathie Pagano **Submitter's Email Address:** cpagano@gunnisoncounty.org

**Finance Review:** ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

**County Attorney Review:** ◉ Required ○ Not Required

Comments:
ok db 5/27/15

Reveiwed by: Discharge Date: 5/30/2015 Certificate of Insurance Required

Yes ○ No ◉

**County Manager Review:**

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 6/2/2015

○ Consent Agenda ◉ Regular Agenda ○ Worksession Time Allotted: 5

Agenda Date: 6/16/2015

*Revised April 2015*

Gunnison County, CO
Community Development Department
**221 N. Wisconsin St. Ste. D, Gunnison, CO 81230**
**Phone: (970) 641-0360 FAX: (970) 641-8585**
**Website: www.gunnisoncounty.org**
**Email: planning@gunnisoncounty.org**

To: BOCC

From: Cathie Pagano

Date: May 15, 2015

Re: Park Crest Townhomes

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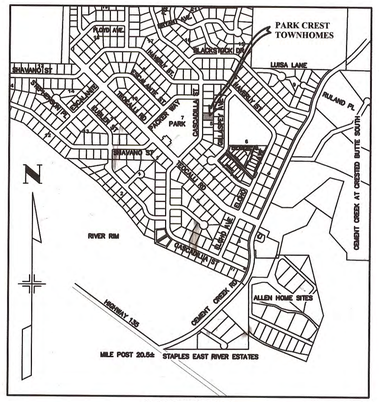
Please find the Townhome plat for Park Crest Townhomes attached for your review. The applicants are converting the units from condominiums to townhomes.

Staff and County Attorney Baumgarten have reviewed the plat and find that it is compliance with the Gunnison County *Land Use Resolution* and recommend approval. Please let me know if you have any questions. Thanks.

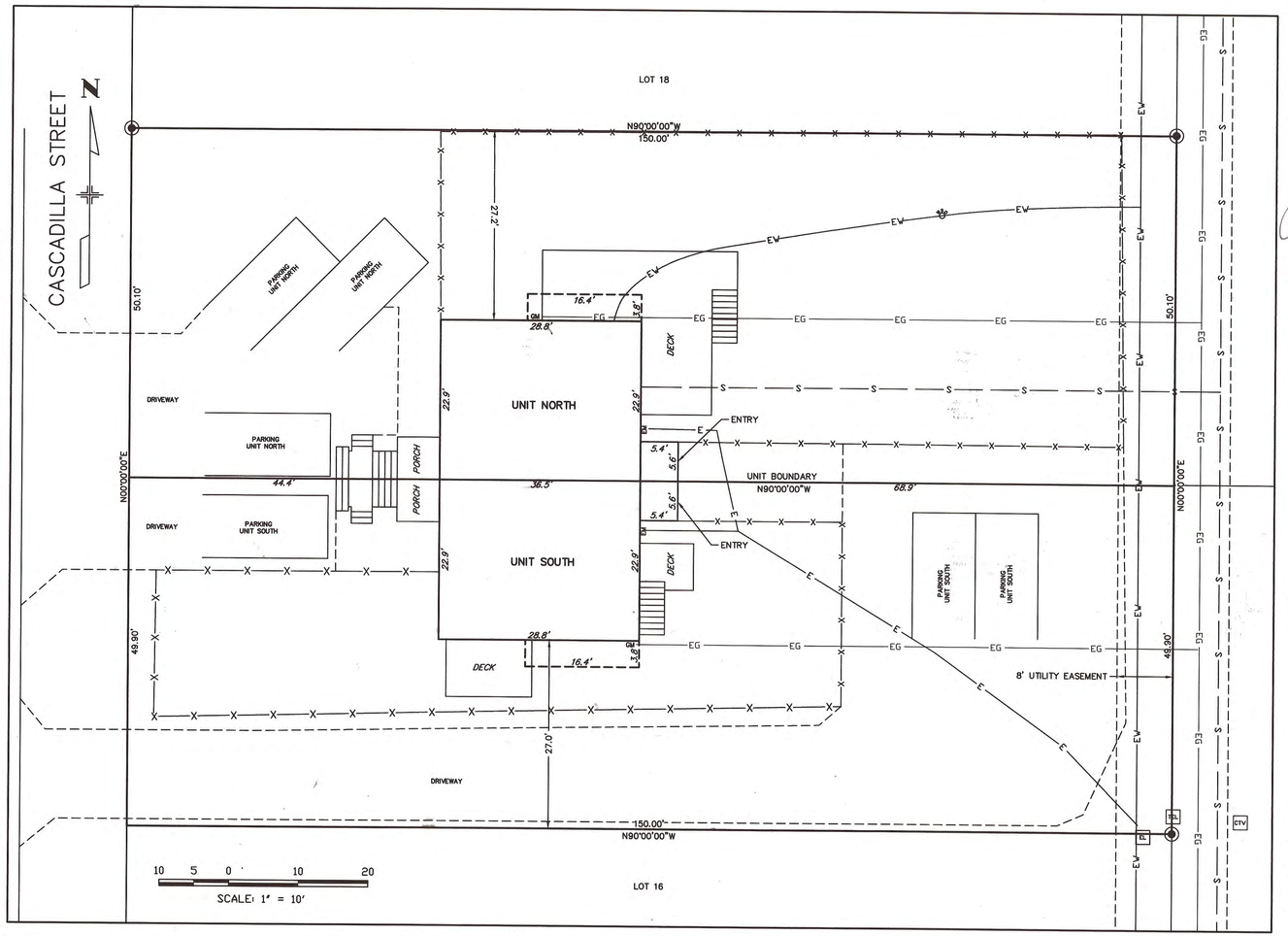
# PARK CREST TOWNHOMES

LOT 17, BLOCK 5
CRESTED BUTTE SOUTH - SECOND FILING
GUNNISON COUNTY, COLORADO

ALSO BEING LOCATED WITHIN THE
NW1/4 NW1/4 SECTION 27
TOWNSHIP 14 SOUTH, RANGE 85 WEST
OF THE SIXTH PRINCIPAL MERIDIAN




VICINITY MAP
SCALE: 1"=1000'±




## DEDICATION

We, Jeremy Wegner, Lisa D. McNellis, being the owner(s), mortgagee(s) and lien holder(s) of the land described as follows:

**Units North and South, PARK CREST CONDOMINIUMS, according to the condominium map pertaining thereto recorded April 18, 1995, as Reception No. 459263, and the Condominium Declaration pertaining thereto recorded April 19, 1995 in Book 762 at Page 740, located within Lot 17, Block 5, Crested Butte South-Second Filing,**

in Gunnison County, Colorado, is being replatted under the name of **PARK CREST TOWNHOMES**, have laid out, platted and/or subdivided the same as shown on this plat and hereby permanently dedicate and convey to the owners of Unit North and Unit South, Park Crest Townhomes, the common-wall between the units as shown hereon, subject to the terms and conditions of the "Party Wall Agreement For Park Crest Townhomes", and hereby permanently dedicate those portions of land labeled as easements for the installation and maintenance of public utilities as shown hereon.

In witness whereof Lisa D. McNellis and Jeremy Wegner have subscribed their names this 15 day of May, A.D. 2015.

Jeremy Wegner

Lisa D. McNellis

STATE OF COLORADO )
) ss.
County of Gunnison )

The foregoing instrument was acknowledged before me this 15th day of May, A.D. 2015 by Jeremy Wegner.

Witness my hand and official seal
My commission expires: 7/8/17

MICHAEL C. DAWSON
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID #19974004237
My Commission Expires July 8, 2017

Notary Public

STATE OF COLORADO )
) ss.
County of Gunnison )

The foregoing instrument was acknowledged before me this 15th day of MAY, A.D. 2015, by Lisa D. McNellis

Witness my hand and official seal
My commission expires: _____

BRENDA ALAGNA
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID #20014004078
My Commission Expires April 30, 2018

Notary Public

## ATTORNEY'S OPINION

1. I, Michael C. Dawson, an attorney at law duly licensed to practice in the State of Colorado, hereby certify that I have examined title to all lands herein dedicated and subdivided. Such title is vested in Jeremy Wegner and Lisa D. McNellis and is free and clear of all liens, defects, encumbrances, restrictions and reservations except as follows:
2. Easement and right of way for cattle driveway reserved in Warranty Deed recorded in Book 245 at page 364 in the Office of the Clerk and Recorder of Gunnison County, Colorado
3. The reservations contained in the United States Patent of record in the Office of the Clerk and Recorder of Gunnison County, Colorado
4. Easements, notes, reservations and recitals as set forth on the Plat of Crested Butte South-Second Filing, recorded as Reception No. 281588 in the Office of the Clerk and Recorder of Gunnison County, Colorado.
4. Non exclusive easement recorded in Book 502 at Page 237 in the office of the Clerk and Recorder of Gunnison County, Colorado.
5. Covenants, conditions and restrictions as set forth in Covenants and Restrictions of Crested Butte South recorded in Book 420 at page 404, Resolutions recorded in Book 589 at page 304, in Book 661 at page 284, in Book 677 at page 578, in Book 677 at page 581, in Book 684 at page 901, in Book 725 at Page 218, in Book 733 at page 740, in Book 757 at page 223, in Amendments recorded in Book 782 at page 202, page 203, page 204, and page 205, as Reception No. 472225, Resolutions recorded as Reception Nos. 482581, 483318, 487930, 497644, 509429, 514482, 517978, 531851, 535203, 539220 and 544256 in the Office of the Clerk and Recorder of Gunnison County, Colorado.
6. Utility easement along the lot lines as reserved on the plat of Crested Butte South Second Filing recorded in the Office of the Clerk and Recorder of Gunnison County, Colorado.
7. Any taxes, fees, assessments, Of charges by reason of the inclusion of the subject property within the Crested Butte South Metropolitan District.
8. Terms and conditions as contained in Resolution of the Board of Directors of the Crested Butte South Metropolitan District governing the installation of individual well and sewage disposal systems within the boundaries of the district, recorded in Book 725 at page 218 in the Office of the Clerk and Recorder of Gunnison County, Colorado.
9. Easements, conditions, covenants, restrictions, reservations and notes on the plat of Park Crest Condominiums recorded at Reception No. 459263 in the Office of the Clerk and Recorder of Gunnison County, Colorado.
10. Covenants, conditions and restrictions as set forth in Declaration recorded in Book 762 at Page 740, in the Office of the Clerk and Recorder of Gunnison County, Colorado.
11. Terms and conditions of Board of County Commissioners of Gunnison County Resolution No. 03-46 identifying the Proposed Crested Butte South Special Area as set forth in the instrument recorded at Reception No. 535203, in Resolution 2008-38 recorded at Reception No. 586264 in the Office of the Clerk and Recorder of Gunnison County, Colorado.
12. Deed of Trust for the benefit of Bank of America recorded at Reception No. 599982 in the Office of the Clerk and Recorder of Gunnison County, Colorado.

Dated this 15th day of May, A.D. 2015.

Michael C. Dawson, Atty. Reg. No. 27249
O'Hayre Dawson, P.C.
120 N. Taylor Street
Gunnison, Colorado 81230

## BOARD OF COUNTY COMMISSIONERS' APPROVAL

The within plat of PARK CREST TOWNHOMES, a replat of Park Crest Condominiums within Lot 17, Block 5, Crested Butte South, Second Filing, is approved this _____ day of _____, A.D. 2015, and the private dedication of roads and common areas is approved on the condition that such roads and common areas shall be maintained and snowplowed, by and at the expense of the lot owners and not by Gunnison County or any other public agency.

Chairperson, Gunnison County Board of Commissioners

_____

Attest:

_____

## LAND SURVEYOR'S CERTIFICATE

I, Norman C. Whitehead, being a Registered Land Surveyor in the State of Colorado do certify that this Townhouse Plat of PARK CREST TOWNHOMES, Units 1 and 2 was made by me and under my supervision and is accurate to the best of my knowledge, that the improvements as constructed conform substantially to this townhome plat, that this map fully and accurately depicts the layout, measurements and location of all of the improvements on the real property, the townhome designation.

Dated this 12th day of May, 2015.

COLORADO LICENSED
NORMAN C. WHITEHEAD
27739
P.E. AND P.L.S.

5/12/15

Norman C. Whitehead, P.E.-P.L.S.
Colorado No. 27739

## LEGEND

- FOUND BOUNDARY MARKER LS NO. 9476
- TEL PHONE PEDESTAL
- CTV TV PEDESTAL
- EL ELECTRIC PEDESTAL
- WSO WATER SHUT-OFF
- EW EXISTING WATER LINE
- S EXISTING SEWER LINE
- E EXISTING ELECTRIC
- EG EXISTING GAS LINE
- EM ELECTRIC METER
- GM GAS METER

## NOTES:

1. Any person who acquires any interest in any of the real property platted in this Plat shall be deemed to have accepted the terms, conditions, exceptions, restrictions, limitations and definitions set forth herein and in the Townhome Declaration recorded as Reception No. _____ in the records of the Clerk and Recorder of Gunnison County, Colorado.

2. According to Colorado law, you must commence legal action based upon any defect in this survey within three (3) years after you first discover such defect. In no event may any action based on any defect in this survey be commenced more than ten years from the date of the surveyor §s certificate shown herein.

3. A blanket easement exists across Lot 17, Block 5, Crested Butte South, Second Filing, under all of the units and the improvements situated thereon, for the benefit of all unit owners of Lot 17, Block 5, Crested Butte South - Second Filing, for the installation, replacement, repair and maintenance of all utilities including but not limited to water, sewer, gas, telephone, electricity and cable television, together with any lawn sprinkler system and drainage facilities.

4. All utility locations are approximate and shall not be relied upon for construction. The appropriate agencies should be contacted before digging.

## GUNNISON COUNTY CLERK AND RECORDER'S ACCEPTANCE

This plat was accepted for filing in the office of the Clerk and Recorder of Gunnison County, Colorado, on this _____ day of _____, A.D. 2015, Reception Number _____, Time _____.

_____
Gunnison County Clerk and Recorder

PARK CREST TOWNHOMES
LOT 17, BLOCK 5
CRESTED BUTTE SOUTH - SECOND FILING
GUNNISON COUNTY, COLORADO

Prepared By:
NCW & Associates, Inc.
P.O. Box 3688 Crested Butte
(970) 349-6384 Colorado 81224

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|---|---|
| PROJECT: 14143.00 | DWG.: PLAT |
| DATE: 5/5/15 | SHEET 1 OF 1 |