AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Boundary Line Adjustment Request; Don Howell; Steu

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement:

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

Summary:

SE 1/4 Section 15 and N1/2 Section 22, Township 49 North, Range 2 West, NMPM

Fiscal Impact:

Submitted by: NEAL STARKEBAUM **Submitter's Email Address:** nstarkebaum@gunnisoncounty.org

Finance Review: ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ◉ Required ○ Not Required

Comments:
ok - gs

Reveiwed by: GUNCOUNTY1\gstuhr Discharge Date: 3/31/2017 Certificate of Insurance Required Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 3/31/2017

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

Agenda Date: 4/4/2017

Revised April 2015

Gunnison County Community
Development Department
Offices of Planning, Building and Environmental Health
221 N. Wisconsin St., Ste. D
Gunnison, CO 81230
Phone: (970) 641-0360 Fax: (970)641-8585

March 27, 2017

TO: **Board of County Commissioners**
Matthew Birnie, County Manager
David Baumgarten, County Attorney

FROM: **Neal Starkebaum**
Assistant Director

SUBJECT: **Howell Boundary Line Adjustment**
Steuben Creek

Don Howell has submitted a boundary line adjustment to clean up several property boundaries in the Steuben Creek area.

Attachment:
Boundary Line Adjustment Plat

BOUNDARY LINE ADJUSTMENT PLAT OF
HOWELL PROPERTY
LOCATED WITHIN THE SE1/4 SECTION 15 AD THE NORTH 1/2 SECTION 22 TOWNSHIP 49 NORTH, RANGE 2 WEST NEW MEXICO PRINCIPAL MERIDIAN GUNNISON COUNTY, COLORADO

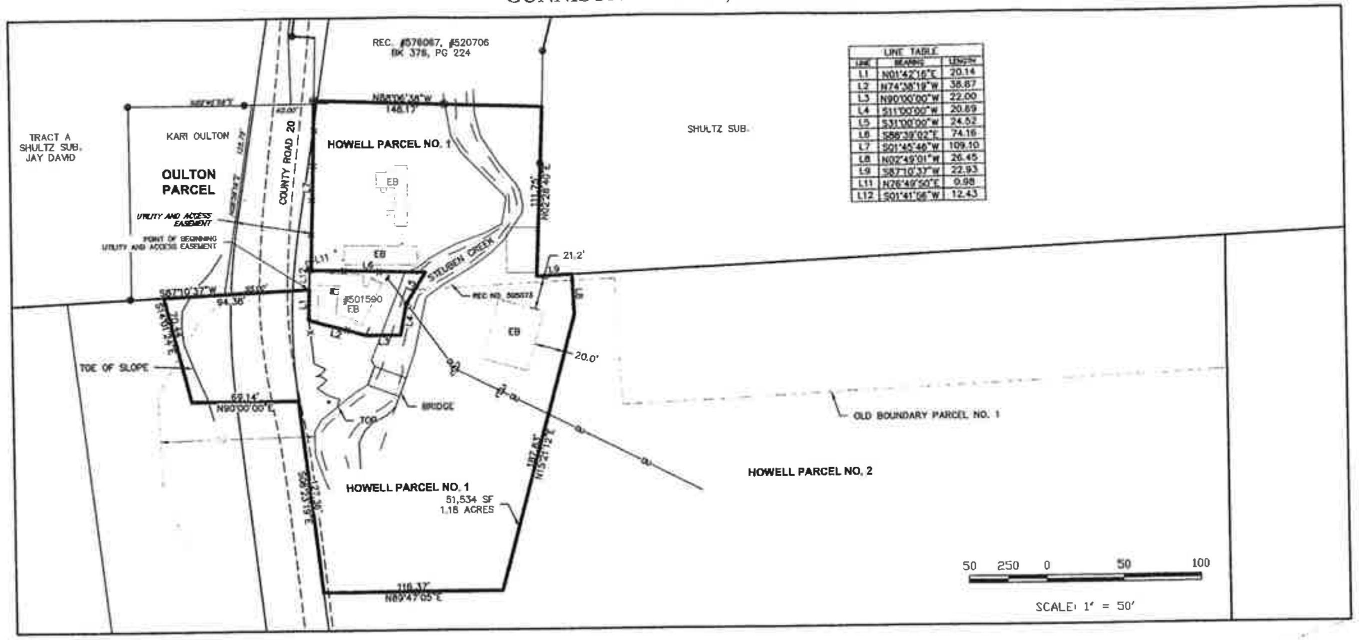
ATTORNEY'S OPINION:

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 Robert O. Howell and is free and clear of all liens, defects, encumbrances, restrictions and reservations except as follows:

1. Reservations as set forth in the United States Patents recorded in Book 101 at page 359 and in Book 235 at page 418 recorded in the Office of the Clerk and Recorder of Gunnison County, Colorado.
2. Any right, title or interest of the general public, the State of Colorado, and/or the United States in and to the waters of Steuben Creek.
3. Right of way for County Road 20 as it traverses the property.
4. Covenants and restrictions in the Conservation Land Covenant recorded at Reception No. 514789 and the Amendments thereto recorded as Reception Nos 515285 and ________________, in the Office of the Clerk and Recorder of Gunnison County, Colorado.
5. Contract and Grant of Electric Transmission Line Easement recorded in Book 356 at page 98, in the Office of the Clerk and Recorder of Gunnison County, Colorado.
6. Terms and conditions contained in Letter recorded in Book 358 at page 515 in the Office of the Clerk and Recorder of Gunnison County, Colorado.
7. Any and all rights of ingress and egress over the subject property to the County road which have been granted to owners of other parcels in the area for purposes of access to and from their land, and any and all assignments thereof or interests therein.
8. Easements recorded in Book 419 at page 32 and in Book 528 at page 258 in the Office of the Clerk and Recorder of Gunnison County, Colorado.
9. Terms and conditions contained in Letter of Understanding recorded in Book 605 at page 936 and in Assignment recorded in Book 605 at page 937 in the Office of the Clerk and Recorder of Gunnison County, Colorado.
10. Any loss of or adverse claim to that portion of the Property adjoining Steuben Creek based on an assertion that the channel and banks of said river have been changed or altered other than by natural cause and in imperceptible degrees.
11. Right of way for County Road No. 20 as it passes through portions of the subject Property.
12. Terms and conditions in Lease Agreement recorded in Book 581 at page 215 in the Office of the Clerk and Recorder of Gunnison County, Colorado.
13. Terms and conditions contained in Lease recorded in Book 584 at page 736 in the Office of the Clerk and Recorder of Gunnison County, Colorado.
14. Lack of a right of access to and from any portion of the subject property not now being served by a deeded public road, street or highway.
15. Contract and Grant of Easement recorded in Book 767 at page 614, across portions of Section 15 in the Office of the Clerk and Recorder of Gunnison County, Colorado.
16. Terms and conditions in Boundary Line Agreement recorded as Reception No. 477560 and in Revised Boundary Line Agreement recorded as Reception No. 479718 in the Office of the Clerk and Recorder of Gunnison County, Colorado.
17. Terms and conditions as contained on Plat recorded as Reception No. 499573 and in Certificate recorded as Reception No. 499574 in the Office of the Clerk and Recorder of Gunnison County, Colorado.
18. Right-of-Way Easement recorded as Reception No. 514377 in the Office of the Clerk and Recorder of Gunnison County, Colorado.
19. Any and all comments, notes, easements, and matters set forth on the Plat of Shultz Subdivision recorded as Reception No. 514766 in the Office of the Clerk and Recorder of Gunnison County, Colorado.
20. Covenants and restrictions in Declaration of Protective Covenants of Shultz Subdivision recorded as Reception No. 514768 and in Amendment to Declaration of Protective Covenants of Shultz Subdivision recorded as Reception No. 515285 in the Office of the Clerk and Recorder of Gunnison County, Colorado.
21. Boundary Line Adjustment of Shultz Remainder and Shultz Resultant Tract recorded as Reception No. 515363 and Certification recorded as Reception No. 526189 in the Office of the Clerk and Recorder of Gunnison County, Colorado.
22. Easement described in Quit Claim Deed recorded as Reception No. 544179 in the Office of the Clerk and Recorder of Gunnison County, Colorado.
23. Deed of Trust for the benefit of Laverne K. Morris recorded as Reception No 544182 in the Office of the Clerk and Recorder of Gunnison County, Colorado.

Dated this 6th day of March, 2017.

Michael C. Dawson, Attorney at Law
Attorney Registration No. 27249 ____________



LINE	BEARING	LENGTH
L1	N01°42'16"E	20.14
L2	N74°38'19"W	38.87
L3	N90°00'00"W	22.00
L4	S11°00'00"W	20.69
L5	S31°00'00"W	24.52
L6	S88°39'02"E	74.16
L7	S01°45'46"W	109.10
L8	N02°49'01"W	26.45
L9	S87°10'37"W	22.93
L11	N76°49'50"E	0.98
L12	S01°41'06"W	12.43

ADJUSTED HOWELL PARCEL NO. 1

COMMENCING AT THE SE CORNER SAID SECTION 15 (MONUMENTED WITH AN 3.25" ALUMINUM CAP, LS NO. 11250); THENCE S87°10'37"W ALONG THE SOUTH LINE OF SAID SECTION 15 A DISTANCE OF 881.37 FEET TO THE POINT OF BEGINNING;

THENCE ALONG THE ADJUSTED HOWELL PARCEL NO. 2 THE FOLLOWING 6 COURSES: 1) S02°49'01"E A DISTANCE OF 26.45 FEET; 2) S15°21'12"W A DISTANCE OF 187.83 FEET; 3) S89°47'05"W A DISTANCE OF 116.37 FEET; 4) N06°23'19"W A DISTANCE OF 127.36 FEET; 5) S90°00'00"W A DISTANCE OF 69.14 FEET; 6) N14°01'24"W A DISTANCE OF 70.44 FEET TO A POINT ON THE NORTH LINE OF SECTION 22; THENCE N87°10'37"E ALONG SAID NORTH LINE A DISTANCE OF 94.38 FEET TO A POINT THE TRACT OF LAND DESCRIBED AT RECEPTION NO. 501590; THENCE AROUND SAID TRACT THE FOLLOWING 6 COUSES: 1) S01°42'16"W A DISTANCE OF 20.14 FEET; 2) S74°38'19"E A DISTANCE OF 38.87 FEET; 3) N90°00'00"E A DISTANCE OF 22.00 FEET; 4) N11°00'00"E A DISTANCE OF 20.69 FEET; 5) N31°00'00"E A DISTANCE OF 24.52 FEET; 6) THENCE N88°39'02"W A DISTANCE OF 74.16 FEET; THENCE ALONG HOWELL PARCEL NO. THE FOLLOWING 4 COURSES: 1) N01°45'49"E A DISTANCE OF 111.23 FEET; 2) S88°06'38"E A DISTANCE OF 148.17 FEET; 3) S02°28'40"W A DISTANCE OF 111.75 FEET; 4) N87°10'37"E A DISTANCE OF 22.93 FEET TO THE POINT OF BEGINNING.

CONTAINING 51,536 SQUARE FEET OR 1.183 ACRES, MORE OR LESS.

ADJUSTED HOWELL PARCEL NO. 2

COMMENCING AT THE NE CORNER SAID SECTION 22 (MONUMENTED WITH AN 3.25" ALUMINUM CAP, LS NO. 11250); THENCE S87°10'37"W ALONG THE NORTH LINE OF SAID SECTION 22 A DISTANCE OF 457.25 FEET TO THE EAST NORTHEAST CORNER OF HOWELL PARCEL NO. 2 AND THE POINT OF BEGINNING; THENCE S00°00'34"E A DISTANCE OF 1,373.19 FEET; THENCE S89°47'00"W A DISTANCE OF 864.00 FEET; THENCE CONTINUE WESTERLY ALONG SAID LINE, A DISTANCE OF 300.00 FEET; THENCE N00°11'00"W A DISTANCE OF 1,320.00 FEET TO A POINT ON THE NORTH LINE OF SECTION 22; THENCE N87°10'37"E ALONG SAID SECTION 22 A DISTANCE OF 479.79 FEET TO A POINT ON ADJUSTED HOWELL PARCEL NO. 1; THENCE ALONG SAID PARCEL THE FOLLOWING 6 COUSES: 1) S14°01'24"E A DISTANCE OF 70.44 FEET; 2) N90°00'00"E A DISTANCE OF 69.14 FEET; 3) S06°23'19"E A DISTANCE OF 127.36 FEET; 4) N89°47'05"E A DISTANCE OF 116.37 FEET; 5) N15°21'12"E A DISTANCE OF 187.83 FEET; 6) N02°49'01"W A DISTANCE OF 26.45 FEET TO A POINT ON THE NORTH LINE OF SECTION 22; THENCE N87°10'37"E ALOND SAID LINE A DISTANCE OF 424.12 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,533,447 SQUARE FEET OR 35.203 ACRES, MORE OR LESS.

HOWELL UTILITY AND ACCESS EASEMENT DESCRIPTION

COMMENCING AT THE SE CORNER SAID SECTION 15 (MONUMENTED WITH AN 3.25" ALUMINUM CAP, LS NO. 11250); THENCE S87°10'37"W ALONG THE SOUTH LINE OF SAID SECTION 15 A DISTANCE OF 1052.49 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE WESTERLY ALONG SAID LINE, A DISTANCE OF 55.00 FEET; THENCE N08°58'16"E A DISTANCE OF 125.79 FEET; THENCE N89°46'58"E A DISTANCE OF 40.00 FEET TO A POINT ON THE WEST BOUNDARY LINE OF THE HOWELL PARCEL NO. 1; THENCE S01°45'46"W ALONG SAID WEST LINE A DISTANCE OF 109.10 FEET; THENCE S76°49'50"W ALONG SAID WEST LINE A DISTANCE OF 0.98 FEET; THENCE S01°41'56"W ALONG SAID WEST LINE A DISTANCE OF 12.43 FEET TO THE POINT OF BEGINNING.

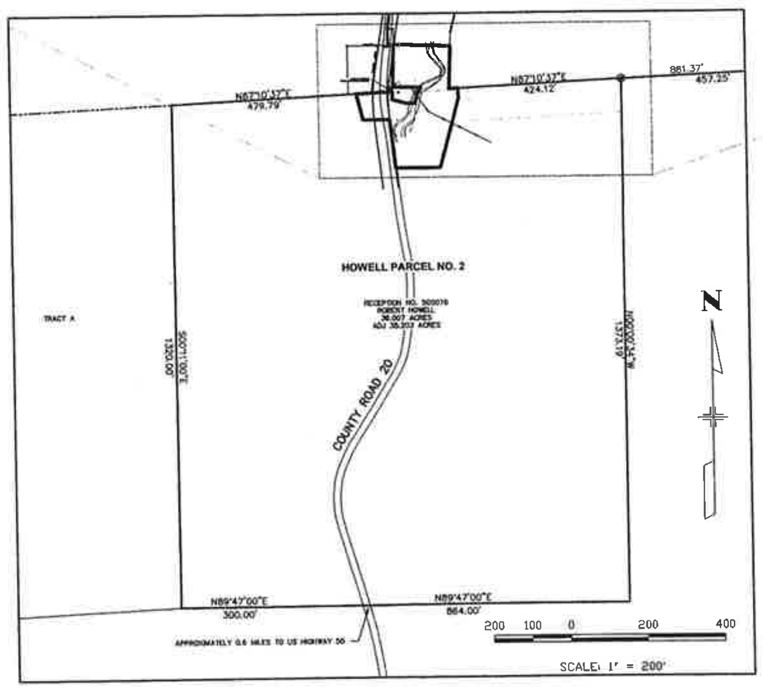
CONTAINING 5,864 SQUARE FEET OR 0.134 ACRES, MORE OR LESS.

NOTES:

1. According to Colorado Law you must commence 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 certificate shown hereon.

BASIS OF BEARING

S87°10'37"W BETWEEN THE SOUTHEAST CORNER SECTION, MONUMENTED WITH 3.25" ALUMINUM CAP, LS NO. 11250, AND THE SOUTHWEST CORNER OF THE OULTON PARCEL, MONUMENTED WITH A PLASTIC CAP, LS NO. 33647



LAND SURVEYOR'S CERTIFICATE

I, Norman C. Whitehead, a registered land surveyor in the State of Colorado, certify that this BOUNDARY LINE ADJUSTMENT PLAT was made under my direction and control and that the survey referred to herein was made under my direction and control and that the Plat and survey are true and correct to the best of my knowledge. Monuments have been found or set as shown on this Plat. This Plat contains all information required by Colorado Revised Statutes Section 38-33.3-209.

Dated this 4th day of March, 2017.

COLORADO LICENSED NORMAN C. WHITEHEAD 27739 3/4/17 P.E. AND P.L.S.

Norman C. Whitehead, P.E.-P.L.S.

LEGEND
- FOUND BOUNDARY MARKER
- BOUNDARY MARKER LS NO. 27739
- EB EXISTING BUILDING
- OU OVERHEAD UTILITY

BOARD OF COUNTY COMMISSIONERS' APPROVAL

The within plat of the boundary line adjustment HOWELL PROPERTY is approved this _____ day of _______________, A.D. 2017.

____
Chairperson, Gunnison County Board of Commissioners

Attest:

____
Gunnison County Clerk and Recorder

GUNNISON COUNTY CLERK AND RECORDER'S ACCEPTANCE

This Boundary Line Adjustment Plat was accepted for filing in the office of the Clerk and Recorder of Gunnison County, Colorado, on this _____ day of _______________, A.D. 2017, Reception Number __________,Time ________

____
County Clerk

BOUNDARY LINE ADJUSTMENT PLAT OF HOWELL PROPERTY LOCATED WITHIN THE SE1/4 SECTION 15 AND THE N 1/2 SECTION 22 TOWNSHIP 49 NORTH, RANGE 2 WEST NEW MEXICO PRINCIPAL MERIDIAN GUNNISON COUNTY, COLORADO

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

PROJECT: 15161.00	DWG.: ADJPLAT
DATE: 3/4/17	SHEET 1 OF 1