# AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

**Agenda Item:** Ratification of 1979 BOCC Approval; Stone Subdivis

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

**Parties to the Agreement:**

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

**Summary:**

Ratification of 1979 BOCC approval of Stone subdivision. No resolution or approval document was recorded in 1979.

**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 6/10/19

Reveiwed by: GUNCOUNTY1\dBaumgarten Discharge Date: 6/10/2019 Certificate of Insurance Required

Yes ○ No ◉

**County Manager Review:**

Comments:

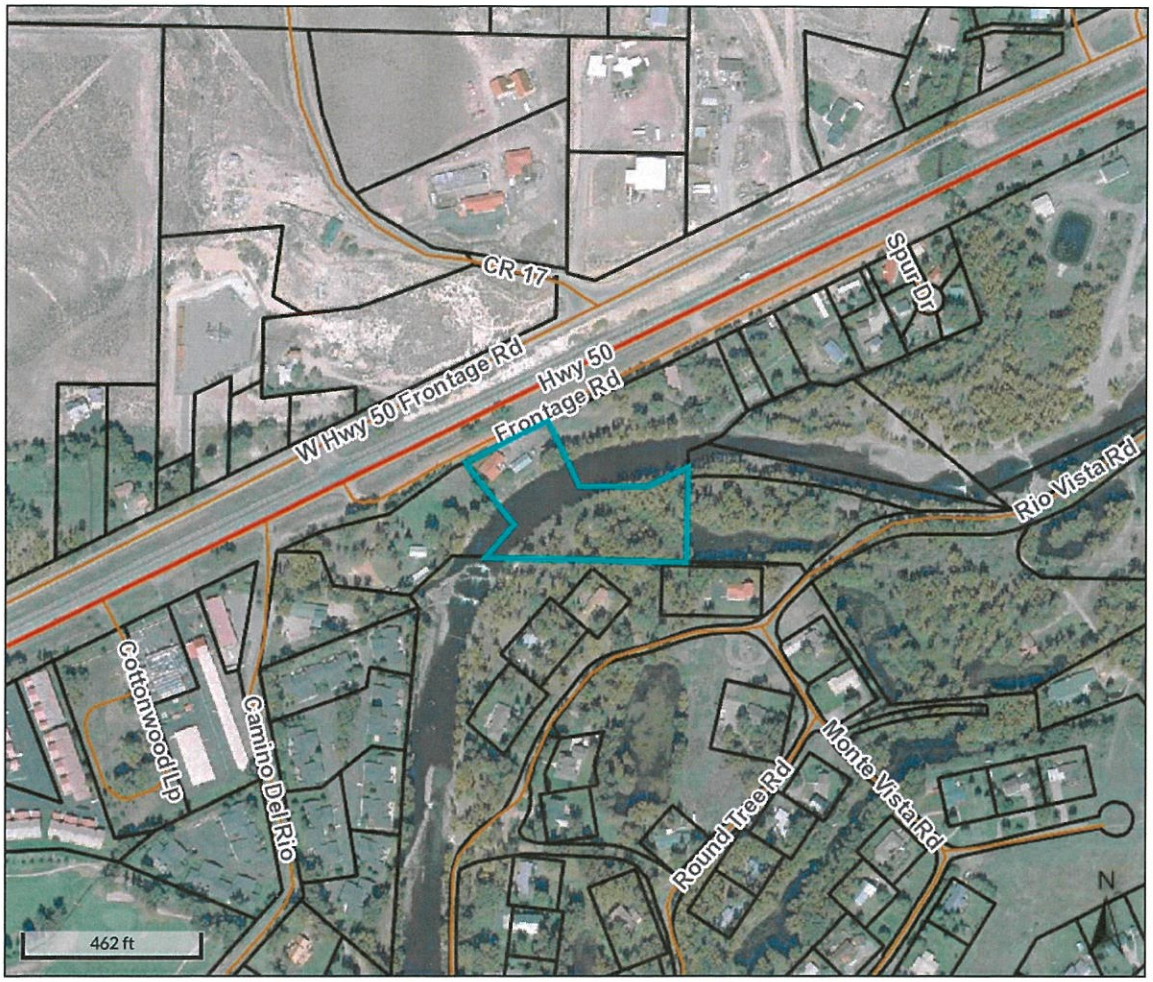
Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 6/10/2019

○ Consent Agenda ◉ Regular Agenda ○ Worksession Time Allotted: 10

Agenda Date: 6/18/2019

*Revised April 2015*

# qPublic.net™ Gunnison County, CO



**Legend**

- Parcels
- **Roads**
  - Back Roads
  - Local Roads
  - State Highways
  - Unconstructed
- **City Labels**
- **County Outlines**
  - <all other values>
  - Gunnison

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| **Account Number** | R010429 | **Owner Address** | STONE JOANN<br>PO BOX 66<br>GUNNISON, CO 81230-0066 | **Total Current Value** | $601,410 | **Last 2 Sales** | | |
| **Parcel Number** | 3787-034-00-023 | **Physical Address** | 37966 US HIGHWAY 50 , GUNNISON | **Current Assessed Value** | $36,110 | **Date** | **Price** | **Qualified** |
| **Account Type** | Residential | **Subdivision** | n/a | | | n/a | $ | n/a |
| **Lot/Block** | n/a | **LEA** | ECON 1 RIVER (12290) | | | | $ | |
| **Tax District** | 601 | **Legal Description** | 2.89 ACRES IN SW4SE4 SEC 3 49N1W B362 P461 #640979<br>(Note: Not to be used on legal documents) | **Mill Levy** | 55.788 | | | |
| **Acres** | 2.89 | | | **Total Value** | $601,410 | | | |
| | | | | **Last Year Taxes** | $830 | | | |

This electronic transmission may contain a map, diagram or information prepared by Gunnison County and represents generalized geographic data for general planning purposes only. The data portrayed should not be relied upon to establish legal title, boundary lines, the precise location of improvements, ownership, maintenance, easements or public rights-of-ways.

Date created: 5/6/2019
Last Data Uploaded: 5/6/2019 1:10:56 AM

Developed by Schneider GEOSPATIAL

Filed for record this 19th day of July A. D. 19 78 at 9:50 o'clock A.M. Marian A. Smith Recorder
Reception No. 328272 By Jane Coleman Deputy

# EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT, in duplicate, is entered into this 17th day of July, 1978, between the DOS RIOS HOMEOWNER'S ASSOCIATION, a Colorado non-profit corporation, hereafter termed the "ASSOCIATION" and WILLIAM T. STONE and JO ANNE STONE, hereafter termed the "STONES".

WHEREAS, the Stones are the owners of the real property described on exhibit "A" attached hereto and incorporated herein by reference, which real property is not served by legal access and which property directly adjoins the property owned by the Association, and

WHEREAS, the Stones have requested that the Association grant an easement from the roads within Dos Rios Unit 1, according to the plat thereof on file in the office of the Clerk and Recorder of Gunnison County, Colorado to the real property of the Stones described on exhibit "A", and

WHEREAS, in consideration for the granting of said easement, the Stones have agreed to certain terms and conditions imposed upon said easement and the real property described on exhibit "A" by the Association.

WHEREFORE, in consideration of the mutual promises herein set forth, the parties agree as follows:

1. That the Association shall, upon the date of execution hereof, grant to the Stones by quit claim deed an easement and right of way for purposes of vehicular and pedestrian access and underground utilities, being sixteen feet (16') in width, eight feet (8') on either side of the following described centerline:

Beginning at the Northeast corner of Section 10, Township 49 North, Range 1 West, New Mexico Principal Meridian, a brass cap in place; thence N 89°34' W 1,458.92 feet along the North line of said Section 10 to the true point of beginning; thence S 38°09' E, 87.39' along said centerline to a point of curve; thence 58.76' along the arc of a curve to the right having a delta of 28°24'51" and a radius of 118.50' to the point of tangency; thence S 09°44'35" E 105.64' along said centerline to a point of intersection with the centerline of an existing road located in Dos Rios Unit 1, according to the official plat thereof on file in the office of the Gunnison County Clerk and Recorder, from whence the Northeast corner of said Section 10 bears N 81°18'13" E 1,424.26'.

2. Said easement and right of way shall be subject to the following conditions and limitations:

2.1 Said easement and right of way shall be non-exclusive.

2.2 Any sewer lines required to be run from the existing lines within Dos Rios Unit 1 to the real property described on exhibit "A" attached hereto shall be constructed entirely within the easement granted hereunder.

2.3 The road to be constructed upon said easement shall be built on a solid base which shall be topped with not less than 3/4" of decomposed granite.

2.4 The existing dyke parallel to the common boundary between the real property described on exhibit "A" attached hereto and the real property of the Association shall be maintained by the Stones at its current level, except only to the extent necessary to cut a road through said dyke to provide access via the easement granted hereunder, and except that said dyke may be removed at Stones' expense at such time as the real property set forth on Exhibit "A" has been built up to a leval equivalent to the level of the real property of the Association which is adjacent thereto.

2.5 That the Stones, their heirs, successors, personal representatives, and assigns, shall at all times be responsible and liable to maintain said easement in good order and repair, including snow removal.

3. That in consideration for the granting of said easement, the Stones shall, concurrently therewith, dedicate and declare substantially the same protective covenants as currently apply to Dos Rios Gunnison Homesites Unit No. 1 as to the real property described on exhibit "A" attached hereto and incorporated herein by reference.

4. That the Stones shall pay any and all fees and costs, including attorneys' fees, incurred by either party in the negotiation or preparation of this instrument or any documents provided for herein.

5. That this agreement shall be a covenant running with the land, and may only be amended by the execution of a written instrument executed by both parties hereto, or their respective successors, heirs, personal representatives and assigns.

IN WITNESS WHEREOF, the parties hereto have executed this document the day and year first above written.

ATTEST:

Secretary

DOS RIOS HOMEOWNER'S ASSOCIATION, A Colorado non-profit corporation

By _____
President

_____
William T. Stone

_____
Jo Anne Stone

EXHIBIT "A"

A tract of land situate in the Southwest quarter of the Southeast quarter (SW¼SE¼), Section Three (3), Township Forty-Nine (49) North, Range One (1) West, New Mexico Principal Meridian, Gunnison County, Colorado, and more particularly that tract described as follows:

Commencing at corner no. 1 from whence the southeast corner of said Section 3, bears South 89°35' East 1315.4 feet, being corner no. 1; thence North 89°35' West 577.4 feet, to corner no. 2; thence North 34°33' East 74.9 feet to corner no. 3; thence North 3°32' East 5.7 feet, to corner no. 4; thence North 35°00' East 100.0 feet to corner no. 5; thence North 37°55' West 112.0 feet to corner no. 6, being a point on the south boundary of U. S. Highway No. 50; thence North 62°51' East 225.2 feet along the south boundary of said U. S. Highway No. 50 to corner no. 7; thence South 25°18' East 170.9 feet to corner no. 8; thence East 166.0 feet to corner no. 9; thence North 63°10' East 119.0 feet to corner no. 10; thence South 0°05' East 243.8 feet to corner no. 1, the place of beginning, containing 2.89 acres, more or less, and together with all water and water rights, ditches and ditch rights, used in connection with the domestic and irrigation purposes of said land.

Filed for record the 19th day of July, A.D. 19 78 at 9:50 o'clock A.M. Marian A. Smith Recorder
Reception No. 328275 By Jane Liberati Deputy

# DECLARATION OF PROTECTIVE COVENANTS

WILLIAM T. STONE and JO ANNE STONE, as the fee owners of the real property described on exhibit "A" attached hereto and incorporated herein by reference, hereby make and declare the following covenants, limitations, conditions, restrictions and uses upon said real property under the terms and conditions hereafter set forth:

1. PROPERTY AFFECTED: These covenants are hereby made applicable to the following described property in Gunnison County, Colorado:

The real property described on exhibit "B" attached hereto and incorporated herein by reference, which shall be referred to herein as the "subject matter property".

2. GENERAL PURPOSES: These covenants are made for the purpose of creating and keeping said real property, as far as possible, desirable, attractive, beneficial, uniform and suitable in architectural design, materials and appearance; limiting the use to residential buildings; and guarding against fires and unnecessary interference with the natural beauty and improper uses of adjoining properties; all for the mutual benefit and protection of all owners of said property, and adjoining properties within Dos Rios Gunnison Homesites Unit No. 1, according to the official plat thereof on file and of record in the office of the Clerk and Recorder of Gunnison County, Colorado.

3. IMPROVEMENTS ALLOWED: The subject matter real property shall be used for not to exceed two single family dwellings, subject to architectural control as hereafter stated; each single family dwelling shall be permitted to have a private garage and other outbuildings (enclosed and covered) incidental to residential use of the premises, and fences, wells, hedges, plantings, exterior antenna, and underground storage of fuel oil, and other usual appurtenances common to such residential use.

4. IMPROVEMENTS PROHIBITED: No structures shall be erected, altered or permitted to remain on any part of the subject matter property except those above stated as "improvements allowed". No flat, apartment, duplex, or multi-family dwelling shall be erected or maintained. No used or second-hand structure and no building of a temporary character, no basement, tent, shack or outbuilding shall be placed on said property, either temporarily or permanently; except that necessary appurtenances for and during actual construction may be used and trailers or structures of a temporary nature may be occupied for residence during the period of permanent construction of an approved and allowed improvement, but in any event for a maximum of one year.

5. ARCHITECTURAL CONTROL: No improvement shall be commenced, constructed, placed or altered on the subject property until the architectural requirements

for real property within the Dos Rios Gunnison Homesites Unit No. 1, according to the Declaration of Protective Covenants thereof recorded in Book 356 at page 155 of the Gunnison County records, have been fully complied with.

6. USES PROHIBITED: No business of any kind shall be permitted on the subject property or in any structure thereon, if it involves employment of more than one additional or non-family person. No oil drilling, mining, quarrying, placering, or mineral operations or explorations of any kind shall be permitted on the subject property. No animal, livestock or poultry of any kind shall be raised, bred or kept on the subject property or in any improvements thereon; except that dogs, cats and other household pets may be kept if there be no commercial uses of such pets. No signs or advertising structures, for home businesses or otherwise, shall be erected or maintained on the subject property or improvement; the architectural control committee may allow small and standard signs of attractive design for the sole purpose of advertising property for sale or lease. There shall be no dumping of waste materials on the subject property and garbage and trash shall be kept in sanitary containers and disposed of with reasonable promptness. Only gas-fired incinerators, enclosed in a building, shall be constructed or placed on the subject matter property. No firearms, fireworks, explosives, arrows, air rifles, BB guns or similar devices shall be discharged upon the subject matter property. No activity which may be or become an annoyance or nuisance to the neighborhood shall be carried on upon the subject matter property or in any improvement thereon.

7. DURATION OF COVENANTS: These protective covenants shall continue to be binding upon the declarants and all persons claiming by, under or through the declarants for the same period as the Declaration of Protective Covenants for the Dos Rios Gunnison Homesites No. 1, dated September 13, 1961 and recorded November 27, 1961, in Book 356 at page 155 of the records of Gunnison County, Colorado. Any amendment to or extension or renewal of said protective covenants in Book 356 at page 155 shall be deemed to automatically be an amendment, extension, or renewal hereof.

8. ENFORCEMENT OF COVENANTS: The protective covenants herein contained are accepted by the declarants, and every grantee, purchaser, owner, and signer of any agreement for purchase and sale, as to the real property the subject hereof and they each agree to conform to and observe said covenants. If any person shall violate or threaten to violate any of the provisions of this instrument, it shall be lawful for any person or persons owning a lot within Dos Rios Gunnison Homesites Unit No. 1, or the Dos Rios Homeowner's Association, a Colorado non-profit corporation, or the owners of all or any portion of the real property the subject hereof, to institute proceedings at law or in equity to enforce the provisions of this instrument, and to recover damages, actual and punitive, together with reasonable attorneys' fees, for such violation.

9. SEVERABILITY: Invalidation of any one of the covenants herein contained, or any part thereof, by any judgment or court order, shall in no wise affect any of the other covenants and they shall remain in full force and effect.

IN WITNESS WHEREOF, William T. Stone and Jo Anne Stone have caused this instrument to be executed this 17th day of July, 1978.

William T. Stone

William T. Stone

Jo Anne Stone

Jo Anne Stone

STATE OF COLORADO )
) ss
County of Gunnison )

The above and foregoing Declaration of Protective Covenants was acknowledged before me this 17th day of July, 1978 by William T. Stone and Jo Anne Stone.

My commission expires: October 15, 1979
Witness my hand and official seal.

NOTARY PUBLIC STATE OF COLORADO

Notary Public

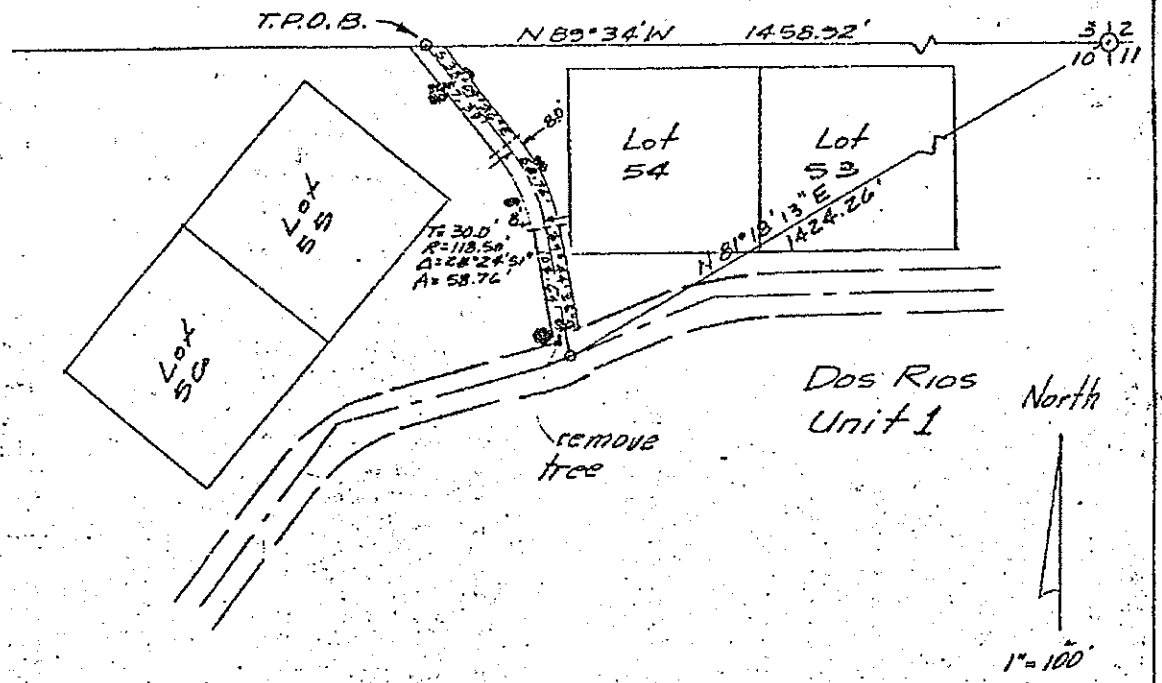
EXHIBIT "A"

A tract of land situate in the Southwest quarter of the Southeast quarter (SW¼SE¼), Section Three (3), Township Forty-Nine (49) North, Range One (1) West, New Mexico Principal Meridian, Gunnison County, Colorado, and more particularly that tract described as follows:

Commencing at corner no. 1 from whence the southeast corner of said Section 3, bears South 89°35' East 1315.4 feet, being corner no. 1; thence North 89°35' West 577.4 feet, to corner no. 2; thence North 34°33' East 74.9 feet to corner no. 3; thence North 3°32' East 5.7 feet, to corner no. 4; thence North 35°00' East 100.0 feet to corner no. 5; thence North 37°55' West 112.0 feet to corner no. 6, being a point on the south boundary of U. S. Highway No. 50; thence North 62°51' East 225.2 feet along the south boundary of said U. S. Highway No. 50 to corner no. 7; thence South 25°18' East 170.9 feet to corner no. 8; thence East 166.0 feet to corner no. 9; thence North 63°10' East 119.0 feet to corner no. 10; thence South 0°05' East 243.8 feet to corner no. 1, the place of beginning, containing 2.89 acres, more or less, and together with all water and water rights, ditches and ditch rights, used in connection with the domestic and irrigation purposes of said land.

EXHIBIT "B"

16.0' WIDE ACCESS EASEMENT




SURVEY DESCRIPTION

A 16.0' WIDE ACCESS EASEMENT SITUATED IN THE NW¼NE¼ OF SECTION 10, T.49 N., R. 1 W., N.M.P.M. 8.0' ON EACH SIDE OF THE FOLLOWING DESCRIBED CENERLINE;

BEGINNING AT THE NE CORNER OF SAID SECTION 10, A BRASS CAP IN PLACE; THENCE N 89° 34' W, 1458.92' ALONG THE NORTH LINE OF SAID SECTION 10 TO THE TRUE POINT OF BEGINNING;

THENCE S 38° 09' 26" E, 87.39' ALONG SAID CENTERLINE TO A POINT OF CURVE;

THENCE 58.76' ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A DELTA OF 28° 24' 51" AND A RADIUS OF 118.50' TO A POINT OF TANGENCY;

THENCE S 09° 44' 35" E 105.64' ALONG SAID CENTERLINE TO A POINT OF INTERSECTION WITH THE CENTERLINE OF AN EXISTING ROAD LOCATED IN DOS RIOS UNIT I SUBDIVISION ON FILE IN THE GUNNISON COUNTY RECORDS OFFICE, FROM WHENCE THE NE CORNER OF SAID SECTION 10 BEARS N 81° 18' 13" E 1424.26'.

SURVEYOR'S CERTIFICATE:

I, LEWIS E. GRIDLEY JR., A REGISTERED LAND SURVEYOR LICENSED TO PRACTICE IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE SURVEY SHOWN ABOVE WAS PREPARED UNDER MY SUPERVISION, AND THAT THIS PLAT IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

DATED THIS 21st DAY OF April, 19 78

Lewis E. Gridley Jr.
LEWIS E. GRIDLEY JR.
LAND SURVEYOR No. 12001

LEWIS EDWARD GRIDLEY JR. REGISTERED 12001 LAND SURVEYOR STATE OF COLORADO

Cm. Van Cleve & Joschke Eng. Inc.
105 E. Tomichi Gunnison, Colo.

THE C. F. HOUCKEL CO., DENVER 311659

The Gunnison County Board of County Commissioners held a regular meeting on Tuesday, October 16, 1979 at 8:00 a.m. in the Commissioner's Meeting Room of the Gunnison County Courthouse, 200 E. Virginia Ave., Gunnison, Colorado.

There were present: George Means, Chairman
Kenneth Watters, Vice Chairman
David Leinsdorf, Commissioner
Dorothy M. Johnson, Administrative Assistant
Rikki Santarelli, County Attorney
Paula Vatgborg, Secretary to the Board

*****

Dorothy Johnson met with the Board regarding various administrative matters. Marleen Zanetell appeared before the Board and discussion ensued.

*****

Tony Sanfratello, Finance Director, met with the Board regarding the monthly budget report and discussion ensued.

*****

Joanne Williams, Assistant Planning Coordinator, met with the Board regarding various Planning Commission matters.

Ms. Williams extended an invitation for the Board to attend a meeting of the Planning Commission on Wednesday, October 17, 1979 at 8:00 a.m. for the purpose of hearing a presentation to be made by Mr. Stan Michaelson, a mining consultant hired by the Commission.

Ms. Williams submitted, for the Board's review and consideration, a recommendation limiting the use of fireplaces in Gunnison County. The Board stated this was a controversial matter and would require public input before the Board would take any formal action on their recommendation.

Ms. Williams introduced discussion as to how many people should be allowed to attend Camp Gunnison at one time. Discussion ensued regarding sewer plant capacity, sleeping capacity of new cabins, etc.

Ms. Williams asked that a public hearing date be set on the sketch plan for the proposed Elk Ridge development. City annexation of this property was discussed.

Commissioner Leinsdorf made a motion in relation to the Elk Ridge sketch plan, that the Board refrain from setting a public hearing on the sketch plan at this time because the sketch plan is incomplete and because we don't have the necessary information on water, seconded by Commissioner Watters; passed unanimously.

Ms. Williams briefly discussed sketch plan information for Linda Hall and also requested that a public hearing date be set on the information submitted to the Board today. Ms. Williams explained the nature of the sketch plan as a division of 40 acres into 2-20 acre tracts. One 20 acre tract will be deeded to Mrs. Hall's husband. It was added that the Planning Commission will review this material on October 17th and due to that fact, the Board decided to wait on setting a public hearing date until more information has been gathered.

Ms. Williams presented a minor impact request for Joanne Stone. Ms. Williams explained that a previous subdivision exemption was granted on a particular property on condition that further division would be allowed once access was obtained.

Commissioner Leinsdorf made a motion that the Board approve Land Use Change application #62, Series 1979, to divide a tract of land of Joanne Stone's into two lots, seconded by Commissioner Watters; passed unanimously.

Ms. Williams presented a request for the division of a 10 acre mining claim into 2-5 acre tracts. The Planning Commission recommended that this application be denied on the grounds that it sets a precedent, wildlife consideration, etc.

Commissioner Leinsdorf made a motion that the Board deny Land Use Change application #54, Series 1979, and follow the recommendation of the Planning Commission that we deny it on the grounds of conflicts with Policies #1,3,6,7,8,9,10,12,15,18,19 and that on the grounds that the application with these conflicts is in an area of new development that we classify it as a development of major impact, seconded by Commissioner Watters; passed unanimously.

*****

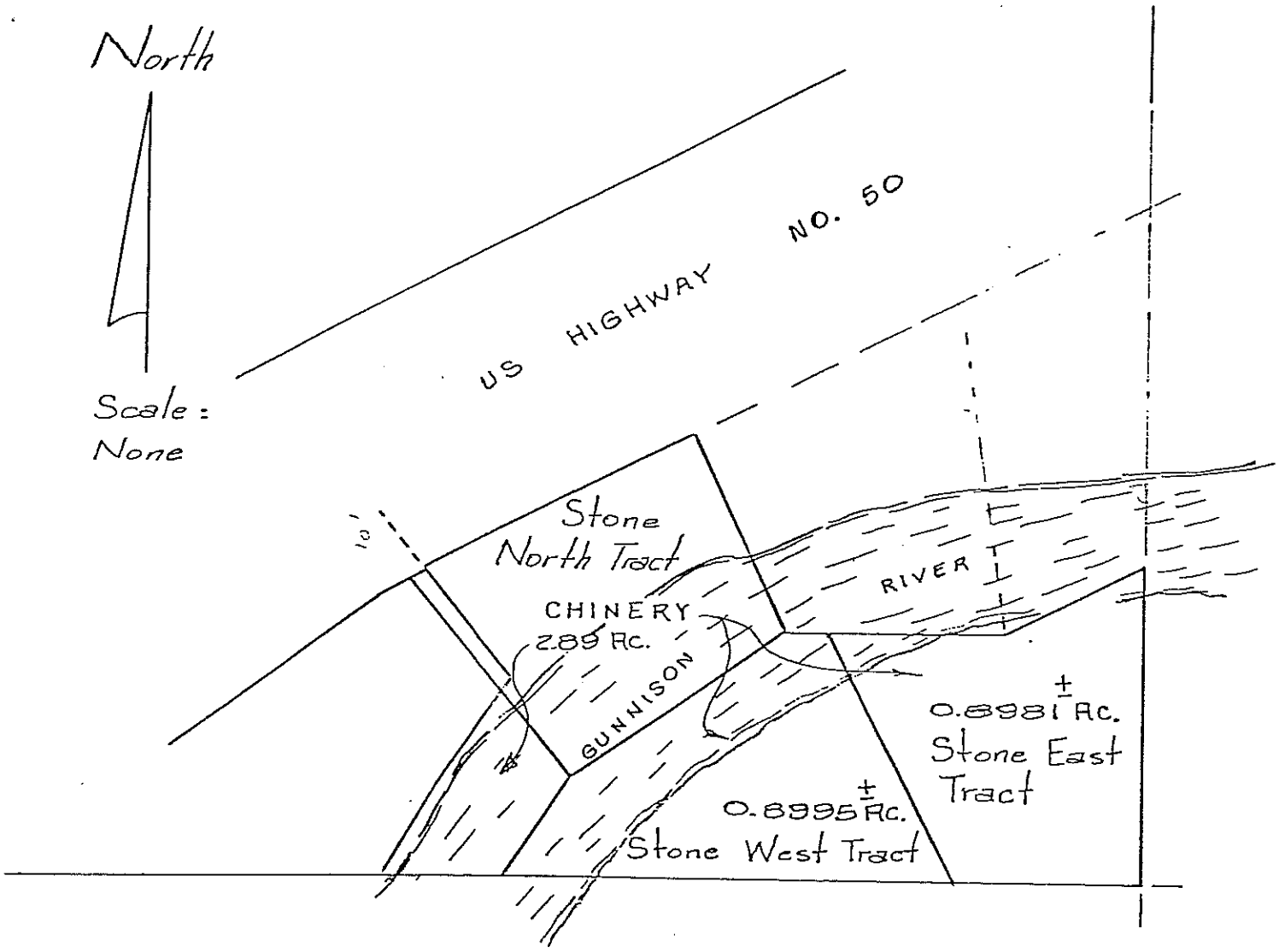
The Board met with Anne Steinbeck, Director of Social Services, and discussion ensued.

*****

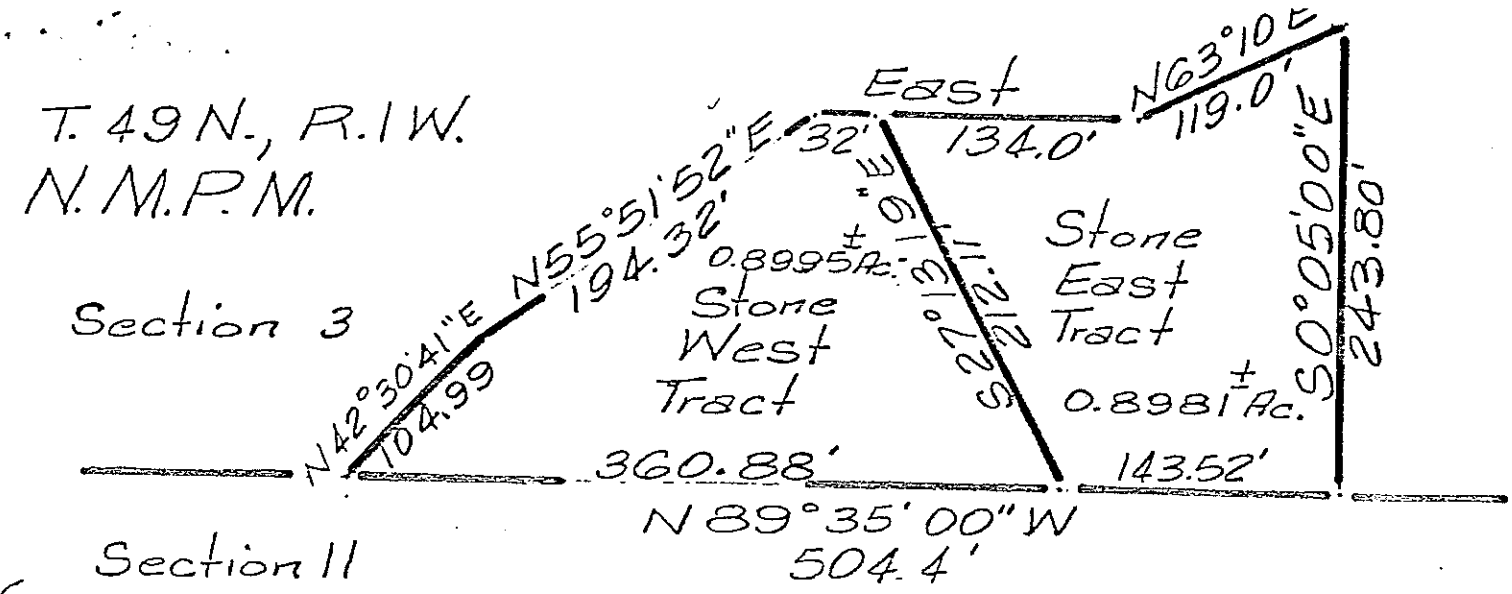
The meeting adjourned for lunch at 12:00 p.m. and reconvened at 1:30 p.m.

*****

Attorney Bob Wright met with the Board and presented the final plat for Building C of the Dos Rios Condominiums.


North
Scale:
None
US HIGHWAY NO. 50
Stone
North Tract
CHINERY
2.89 Ac.
GUNNISON
RIVER
0.8981 ± Ac.
Stone East
Tract
0.8995 ± Ac.
Stone West Tract

Sheet 1 of 4




SURVEY DESCRIPTION STONE EAST TRACT

A TRACT OF LAND IN THE SW¼SE¼ OF SECTION 3, T.49N., R.1W., N.M.P.M., FORMERLY A PART OF THE "CHINERY TRACT TO STONE" DATED APRIL 26, 1961, TO WIT;

BEGINNING AT THE SE CORNER OF SAID SW¼SE¼; THENCE N89°35'W 143.52' ALONG THE SOUTH LINE OF SAID SECTION 3;

THENCE N27°13'19" W 212.11' ALONG THE COMMON LINE OF THE STONE EAST-WEST TRACT TO THE SOUTH LINE OF THE TRACT OF LAND DESCRIBED IN BOOK 285 AT PAGE 65, OF THE GUNNISON COUNTY RECORDS;

THENCE EAST 134.0' ALONG THE SOUTH LINE OF THE TRACT OF LAND DESCRIBED IN SAID BOOK 285 AT PAGE 65;

THENCE N63°10'E 119.0' TO THE EAST LINE OF SAID SW¼SE¼;

THENCE S0°05'E 243.8' ALONG THE EAST LINE OF SAID SW¼SE¼ TO THE POINT OF BEGINNING CONTAINING 0.89 ACRES MORE OR LESS.

SURVEY DESCRIPTION STONE WEST TRACT

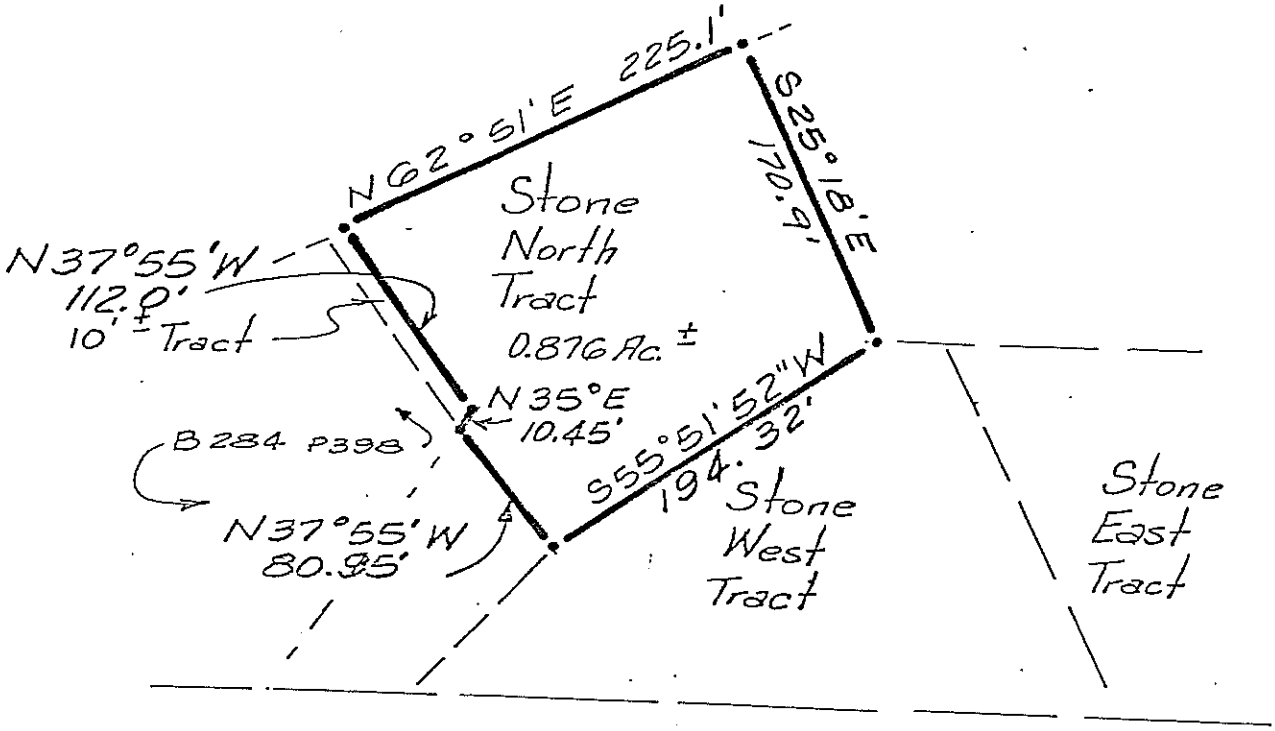
A TRACT OF LAND IN THE SW¼SE¼ OF SECTION 3, T.49N., R.1W., N.M.P.M., FORMERLY A PART OF THE "CHINERY TRACT TO STONE" DATED APRIL 26,1961, TO WIT;

BEGINNING AT THE SE CORNER OF SAID SW¼SE¼;

THENCE N89°35'W 143.52' ALONG THE SOUTH LINE OF SAID SECTION 3 TO THE COMMON CORNER OF THE STONE EAST-WEST TRACT THE TRUE POINT OF BEGINNING;

THENCE N89°35'W 360.88' ALONG THE SOUTH LINE OF SAID SECTION 3 TO THE CENTERLINE OF THE GUNNISON RIVER;

THENCE N42°30'41"E 104.99' ALONG THE EAST LINE OF THE THEANDER TRACT AND THE CENTERLINE OF THE GUNNISON RIVER;




THENCE N55°51'52"E 194.32' ALONG THE CENTERLINE OF THE GUNNISON RIVER TO THE SOUTH LINE OF THE TRACT OF LAND DESCRIBED IN BOOK 285 AT PAGE 65 OF THE GUNNISON COUNTY RECORDS.

THENCE EAST 32.0' ALONG THE SOUTH LINE OF THE TRACT OF LAND DESCRIBED IN BOOK 285 AT PAGE 65 TO THE NW CORNER OF THE STONE EAST TRACT;

THENCE S27°13'19"E 212.11' ALONG THE WEST LINE OF THE STONE EAST TRACT TO THE TRUE POINT OF BEGINNING, CONTAINING 0.89 ACRES MORE OR LESS.

SURVEY DESCRIPTION

STONE NORTH TRACT

A TRACT OF LAND IN THE SW¼SE¼ OF SECTION 3, T.49N., R.1W., N.M.P.M., FORMERLY A PART OF THE "CHINERY TRACT TO STONE" DATED APRIL 26, 1961, TO WIT;

BEGINNING AT THE SE CORNER OF SAID SW¼SE¼;

THENCE N55°06'22"W 332.28' TO THE TRUE POINT OF BEGINNING, A POINT IN COMMON WITH THE STONE NORTH AND WEST TRACT AND THE TRACT DESCRIBED IN BOOK 285 AT PAGE 65;

THENCE S55°51'52"W 194.32' ALONG THE NORTH LINE OF THE STONE WEST TRACT AND THE CENTERLINE OF THE GUNNISON RIVER;

THENCE N37°55'W 80.95' TO THE SOUTHEAST LINE OF THE TRACT DESCRIBED IN BOOK 284 AT PAGE 398 OF THE GUNNISON COUNTY RECORDS;

THENCE N35°00'E 10.45';

THENCE N37°55'W 112.0' TO THE SOUTH BOUNDARY OF U.S. HIGHWAY NO. 50;

THENCE N62°51'E 225.2' ALONG THE SOUTH HIGHWAY BOUNDARY;

THENCE S25°18'E 170.9' TO THE TRUE POINT OF BEGINNING, CONTAINING 0.876 ACRES MORE OR LESS.

SURVEYOR'S CERTIFICATE:

I, LEWIS E. GRIDLEY JR., A REGISTERED LAND SURVEYOR LICENSED TO PRACTICE IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE SURVEY SHOWN ABOVE WAS PREPARED UNDER MY SUPERVISION, AND THAT THIS PLAT IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

DATED THIS 16th DAY OF July, 1979.

Lewis E. Gridley Jr.

LEWIS E. GRIDLEY JR.
LAND SURVEYOR NO. 12001

LEWIS E. GRIDLEY, JR. REGISTERED PROFESSIONAL ENGINEER & LAND SURVEYOR 12001 STATE OF COLORADO

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY**
**RESOLUTION NO. _____SERIES 2019**

**A RESOLUTION CONFIRMING APPROVAL OF THE 1979 THREE LOT MINOR SUBDIVISION FOR JOANN STONE**

**WHEREAS,** Joann Stone did apply for a minor subdivision in 1979 referred to as LUC 62, 1979. The applicant proposed the subdivision of an approximately 2.67 acre parcel into three lots: Stone North Tract (0.876 acres), Stone West Tract (0.8995 acres), Stone East Tract (0.8981 acres), as described in attached Exhibit A.

**WHEREAS,** Gunnison County Board of County Commissioner minutes from October 16, 1979 state: "Ms. Williams presented a minor impact request for Joann Stone. Ms. Williams explained that a previous subdivision exemption was granted on a particular property on condition that further division would be allowed once access was obtained. Commissioner Leinsdorf made a motion that the Board approve Land Use Change application #62, Series 1979, to divide a tract of land of Joann Stone's into two lots, seconded by Commissioner Watters; passed unanimously." And

**WHEREAS**, an easement agreement recorded in the office of the Gunnison County Clerk and Recorder at Book 517, Page 231 provide access and utility installation to the Stone East Tract and Stone West Tract. The easement agreement also includes protective covenants for the Stone East Tract and Stone West Tract, recorded in the office of the Gunnison County Clerk and Recorder at Reception Book 517, Page 235; and

**WHEREAS**, the subject parcels are served by central water and sewer services. Comments from Marlene Crosby, Gunnison County Public Works Director, state that a lift station will be required for both parcels.

**WHEREAS**, the Board of County Commissioner minutes of October 16, 1979, the easement agreement, and the survey are attached to this Resolution as Exhibit A;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Gunnison County, Colorado, that the minor subdivision for Joann Stone is approved, subject to the following conditions:

**THIS APPROVAL** is affected noting that decision documentation includes, but is not limited to, the application and the entire Community Development Department Land Use Change Permit application file relative to this application. This approval is founded on each individual finding and requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.

**THIS RESOLUTION AND THE APPROVAL GRANTED HEREBY** shall not be effective unless and until a copy is recorded in the Office of the Clerk and Recorder of Gunnison County.

**INTRODUCED** by Commissioner _____, seconded by Commissioner and passed on this ___day of _____, 2019.

BOARD OF COUNTY COMMISSIONERS

| | | |
|---|---|---|
| Jonathan Houck,<br>Chairperson | John Messner,<br>Commissioner | Roland Mason,<br>Commissioner |

**ATTEST:**

**Gunnison County Clerk and Recorder**