AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Boundary Line Adjustment

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement:

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

Summary:

Boundary Line Adjustment Lots 43,44 & 45,
Crested Butte South Filing 4.

Fiscal Impact:

Submitted by: Beth Baker **Submitter's Email Address:** bbaker@gunnisoncounty.org

Finance Review: ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ◉ Required ○ Not Required

Comments:
ok db 8/15/19

Reveiwed by: GUNCOUNTY1\dBaumgarten Discharge Date: 8/15/2019 Certificate of Insurance Required

Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 8/15/2019

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

Agenda Date: 8/20/2019

Revised April 2015

Gunnison County Community and Economic Development
Offices of Planning, Building and Environmental Health
221 N. Wisconsin # D
Gunnison, Co. 81230
970-641-0360
planning@gunnisoncounty.org

August 12, 2019

RE: Boundary Line Adjustment application- LUC-19-00024
H. Werner and Kimberly Brockerhoff
Lots 43, 44 & 45 Crested Butte So. Fourth Filing

H. Werner and Kimberly Brockerhoff have applied for a boundary line adjustment, for their lots 43, 44, & 44, in Crested Butte So. 4th Filing. Lot 44 is being absorbed into lots 43 & 45.

They will be creating two lots from the three lots.

- The HOA has approved the request
- The taxes are current
- The County Attorney has reviewed and approved the plat
- The utility companies have agreed to the relocation of the utility easements
- The applicants have submitted a signed plat for your consideration and signature.

You may view this file in our online data base.

http://204.132.78.100/citizenaccess/

- Click projects
- Click in Application Number
- Use LUC-19-00024 (exactly)
- Click on the project
- Click on Attachments and view

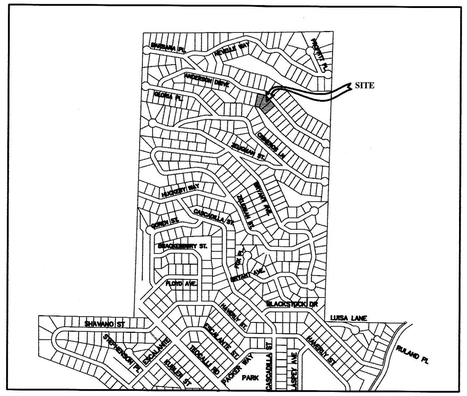
If you questions, please call.

Thanks,
Beth Baker
Gunnison County Community Development
970-641-7932
bbaker@gunnisoncounty.org

LOT LINE ADJUSTMENT PLAT OF
LOT 43 AND THE CLUSTERED LOTS OF 44 AND 45 CRESTED BUTTE SOUTH - FOURTH FILING

BEING LOCATED WITHIN

THE SW1/4 NW1/4 OF SECTION 22
TOWNSHIP 14 SOUTH, RANGE 85 WEST, 6TH PRINCIPAL MERIDIAN
GUNNISON COUNTY, COLORADO



VICINITY MAP
SCALE: 1"=1000'±

ATTORNEY'S OPINION

I, Thomas A. Dill, an attorney at law duly licensed to practice in the State of Colorado, hereby certify that I have examined the title to all lands herein dedicated and subdivided. Such title is vested in H. Werner Brockerhoff and Kimberly A. Brockerhoff, as joint tenants, and is free and clear of all liens, defects, encumbrances, restrictions and reservations and with the exceptions as follows:

1. Rights or claims of parties in possession, not shown by the public records.
2. Easements. or claims of easements, not shown by the public records.
3. Discrepancies. conflicts in boundary lines, shortage in area, encroachments, and any facts which a correct survey and inspection of the premises would disclose and which are not shown by the public records.
4. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. Unpatented mining claims; reservations or exceptions in patents, or an act authorizing the issuance thereof; water rights claims or title to water.
6. Taxes and assessments for the year 2019, a lien but not yet due or payable; special assessments or charges not certified to the County Treasurer.
7. Reservations or exceptions, or an act authorizing the issuance thereof, as created by United States Patent recorded May 22, 1914 in Book 184 at Page 136.
8. Easement and right of way for cattle driveway as reserved in Warranty Deed recorded October 1, 1936 with the Clerk and Recorder of Gunnison County, Colorado in Book 245 at Page 364.
9. Easement for Right of Way dated September 28, 1976 and recorded May 12, 1977 with the Clerk and Recorder of Gunnison County, Colorado in Book 502 at Page 237.
10. Covenants, conditions, notations, restrictions, easements and rights of way for utility and other purposes as reserved on the Plat of Crested Butte South - Fourth Filing, recorded November 9, I972 bearing Reception No. 291415.
11. Terms, provisions, options, rights of first refusal, covenants, conditions, restrictions, easements, charges, assessments and liens (provisions, if any, based on race, color, religion, or national origin are omitted) provided In the Covenants and Restrictions of Crested Butte South recorded August 26, 1970 in Book 420 at Page 404, in the Resolution of the Crested Butte South Property Owners' Association Board of Directors Concerning the Amendment of the Covenants and Restrictions of Crested Butte South recorded January 21, 1983 in Book 589 at Page 304, in Resolution recorded December 8, 1988 in Book 661 at Page 284, in Resolution recorded April 27, 1990 in Book 677 at Page 578, in Resolution recorded April 27, 1990 in Book 677 at Page 581, in Resolution recorded November 20, 1990 in Book 684 at Page 901, in Resolution recorded June 8, 1993 in Book 725 at Page 218, in Resolution recorded October 22, 1993 in Book 733 at Page 740, and in Resolution recorded December 15, 1994 in Book 757 at Page 223.
12. Crested Butte South Property Owner's Association, Inc. Amending the Covenants and Restrictions of Crested Butte South Regarding Regulation of Modular or Factory Built Structures recorded May 1, 1996 in Book 782 at Page 202.
13. Crested Butte South Property Owner's Association. Inc. Amending the Covenants and Restrictions of Crested Butte South Regarding Minimum Size of Mutti-Family Structures recorded May 1, 1996 in Book 782 at Page 203.
14. Crested Butte South Property Owner's Association, Inc. Amending the Covenants and Restrictions of Crested Butte South Regarding Residential Uses on Commercial Property recorded May 1, 1996 in Book 782 at Pap 204.
15. Crested Butte South Property Owner's Association, Inc. Amending the Covenants end Restrictions of Crested Butte South Regarding Resubdivision recorded May 1, 1996 in Book 782 at Page 205.
16. Notice of Amendment of Covenants and Restrictions of Crested Butte South recorded November 22, 1996 bearing Reception No. 472225.
17. Resolution of the Board of Directors Crested Butte South Property Owners" Association, Inc. Concerning the Provision of a Legal Survey as an Architectural Submittal Requirement recorded March 27, 1998 bearing Reception No. 482581.
18. Resolution Concerning Setbacks for Driveways, Septic Tanks and Welts recorded April 30, 1998 bearing Reception No. 483318.
19. Resolution Concerning Lot Appearance recorded October 19, 1998 bearing Reception No. 487930.
20. Rules and Resolutions Regarding Dogs recorded November 8, 1999 bearing Reception No. 497644.
21. Amending the Resolution Concerning Building Deposits recorded March 22, 2001 bearing Reception No. 509429.
22. Resolution of the Board of Directors of Crested Butte South Property Owners Association, Inc. Rules and Regulations Regarding Outdoor Commercial Vendors recorded September 25, 2001 bearing Reception No. 514482.
23. Resolution of the Board of Directors of Crested Butte South Property Owner's Association, Inc. Concerning the Provision of the Use of Metal Siding on the Exterior of Buildings in Crested Butte South recorded February 5, 2002, bearing Reception No. 517978.
24. Resolution of the Board of Directors of Crested Butte South Property Owners Association, Inc. recorded June 23, 2003 bearing Reception No. 531851.
25. Board of County Commissioners of Gunnison County Resolution No. 03-46 recorded September 25, 2003 bearing Reception No. 535203,
26. Amendment to Covenants and Restrictions Crested Butte South recorded February 23, 2004 bearing Reception No. 539220.

Dated this 1st day of August, 2019.

Thomas A. Dill
Attorney-at-Law

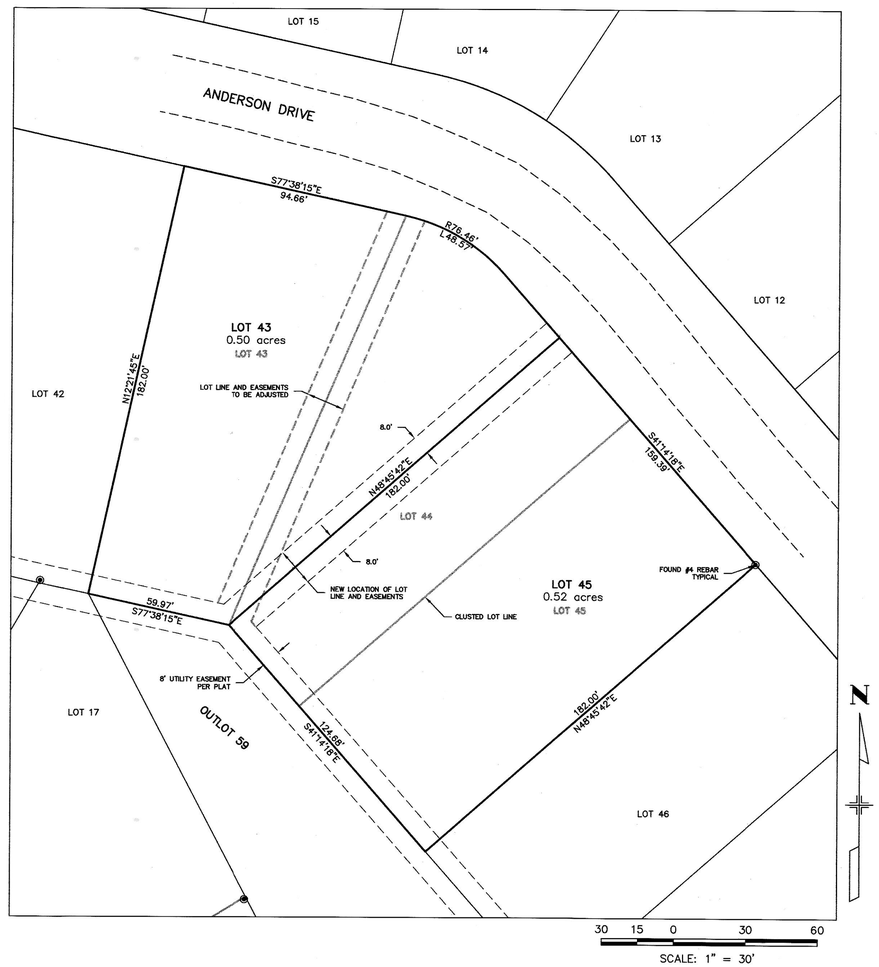
LAND SURVEYOR'S CERTIFICATE

I, Norman C. Whitehead, a registered land surveyor in the State of Colorado, certify that this Lot Line Adjustment Plat and the survey referred to herein were made under my direction and control and that both are true and correct to the best of my knowledge.

Dated this 30th day of July, 2019.

COLORADO LICENSED NORMAN C. WHITEHEAD 27739 PROFESSIONAL LAND SURVEYOR

Norman C. Whitehead, Colorado L.S. #27739
P.O. Box 3688
Crested Butte, CO 81224



GENERAL NOTES

1. Basis of Bearing: S41°14'18"E between found monuments located at the east corners of lot 45 and 48.
2. 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 on any defect in this survey be commenced more than ten years from the date of the surveyor's certificate shown hereon.
3. Distances are in U.S. Survey Feet.

CONSENT OF OWNERS AND CONVEYANCE

H. Werner Brockerhoff and Kimberly A. Brockerhoff, as the owners of Lots 43 and the cluster lots 44 and 45 Crested Butte South - Fourth filing, according to the plat thereof filed November 9, 1971 at Reception No. 291415, hereby consents to the adjustment of the lot lines as set forth on this plat, and hereby quitclaims and conveys to H. Werner Brockerhoff and Kimberly A. Brockerhoff, all of its right, title, and interest in and to Lots 43, 44 and 45 Crested Butte South - Fourth filing as revised by this boundary adjustment plat.

By: _____ H. Werner Brockerhoff By: _____ Kimberly A. Brockerhoff

STATE OF Colorado)
COUNTY OF Gunnison) ss.

The foregoing consent and conveyance was acknowledged before me in Gunnison County, Colorado, this 31st day of July, 2019, by H. Werner Brockerhoff Witness my hand and official seal. My commission expires: July 28, 2021

Notary Public

DESISLAVA AULL
Notary Public – State of Colorado
Notary ID 20174031740
My Commission Expires Jul 28, 2021

STATE OF Colorado)
COUNTY OF Gunnison) ss.

The foregoing consent and conveyance was acknowledged before me in Gunnison County, Colorado, this 31st day of July, 2019, by Kimberly A. Brockerhoff f Witness my hand and official seal. My commission expires: July 28, 2021

Notary Public

DESISLAVA AULL
Notary Public – State of Colorado
Notary ID 20174031740
My Commission Expires Jul 28, 2021

BOARD OF DIRECTORS CRESTED BUTTE SOUTH PROPERTY OWNERS ASSOCIATION

The within LOT LINE ADJUSTMENT PLAT OF LOT 43 AND THE CLUSTERED LOTS 44 AND 45 CRESTED BUTTE SOUTH - FOURTH FILING
is approved this 12 day of August, 2019.

President

Attest:
Treasurer

BOARD OF COUNTY COMMISSIONERS' APPROVAL

The within LOT LINE ADJUSTMENT PLAT OF LOT 43 AND THE CLUSTERED LOTS 44 AND 45 CRESTED BUTTE SOUTH - FOURTH FILING
is approved this ____ day of _____, 2019.

Chairperson, Gunnison County Board of Commissioners

Attest:

Gunnison County Clerk and Recorder

GUNNISON COUNTY CLERK AND RECORDER'S ACCEPTANCE

This Lot Line Adjusment Plat was accepted for filing in the office of the Clerk and Recorder of Gunnison County, Colorado, on this _____ day of _____, 2019,

Reception Number _____, Time _____, Date _____

Gunnison County Clerk and Recorder

LOT LINE ADJUSTMENT OF
LOT 43 AND THE CLUSTERED LOTS 44 AND 45
CRESTED BUTTE SOUTH - FOURTH FILING
GUNNISON COUNTY, COLORADO

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

PROJECT: 16067.00	DWG.: ADJPLAT
DATE: 6/12/19	SHEET 1 OF 1