AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

AgendaTitle:
Boundary Line Adjustment; Raspberry, LLC and Crystal Creek Homeowners Association

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement: Crystal Creek Homeowners Association and Raspberry, LLC

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

Summary:
Boundary line adjustment between Crystal Creek Homeowners Association and Raspberry LLC.

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 3/31/14

Reviewed by: GUNCOUNTY1\dBaumgarten Discharge Date: 3/31/2014 Certificate of Insurance Required

Yes ○ No ◉

County Manager Review:

Comments:

Reviewed by: GUNCOUNTY1\mbirnie Discharge Date: 3/31/2014

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

Agenda Date: 4/15/2014 Follow Up Agenda Date:

Revised April 2013

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/planning.html
Email: planning@gunnisoncounty.org

To: BOCC

From: Cathie Pagano

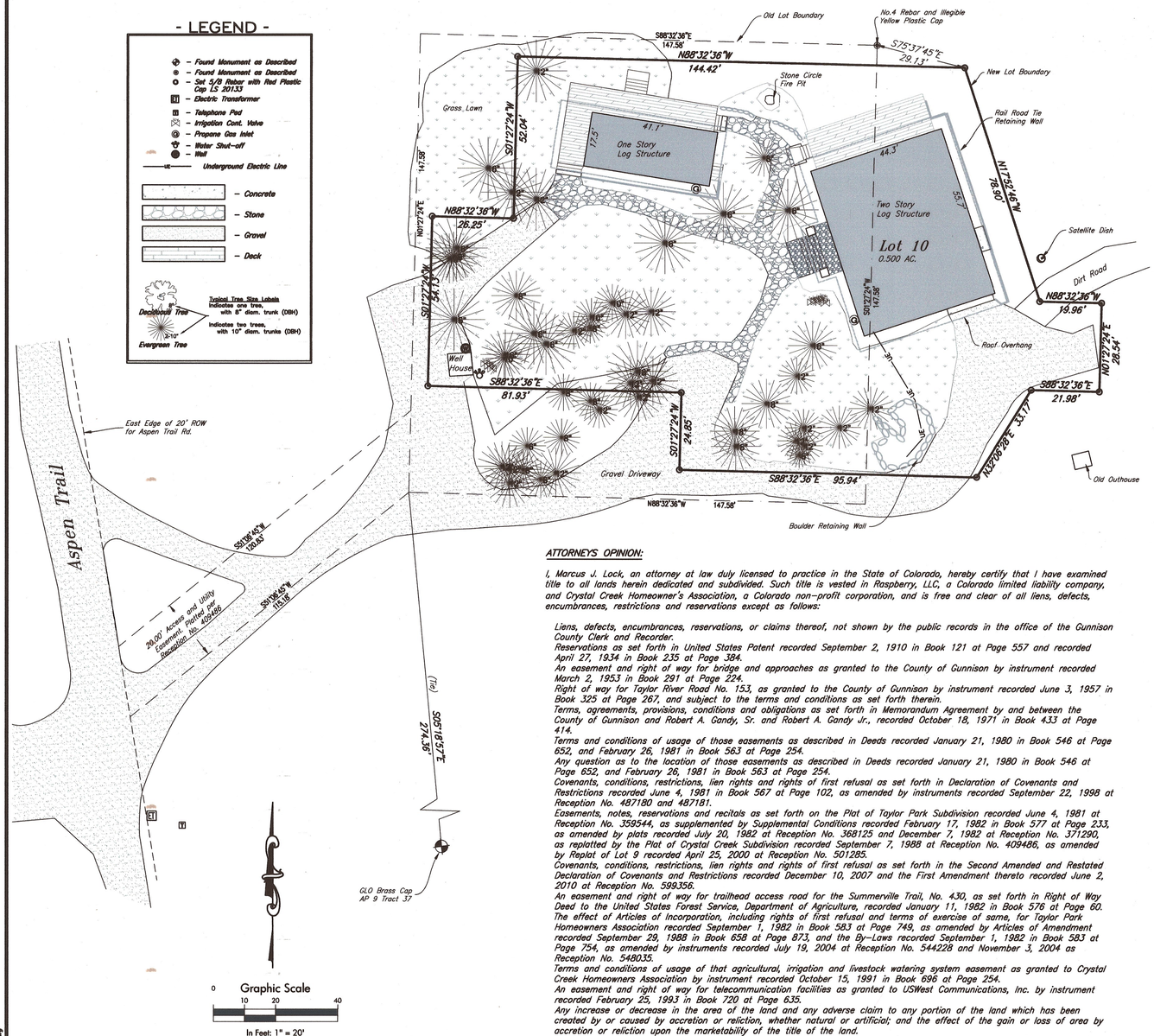
Date: March 24, 2014

Re: Raspberry, LLC and Crystal Creek HOA Boundary line adjustment

---

Raspberry, LLC and the Crystal Creek Homeowners Association have applied for a boundary line adjustment. The applicants are seeking a boundary line adjustment to adjust Lot 10 to conform to the actual location of the structures built by the previous owners. The lot size will not change. The existing ISDS is partially located on Crystal Creek common area. The Crystal Creek HOA has submitted a letter, dated March 17, 2014 signed by Ernest Angelo, Vice-President, that the HOA consents to the existing location of the ISDS. The application is in compliance with the standards of the Gunnison County Land Use Resolution. Thanks.

BOUNDARY LINE ADJUSTMENT OF LOT 10, OF CRYSTAL CREEK SUBDIVISION, REPLAT OF TAYLOR PARK SUBDIVISION
SECTION 9 TOWNSHIP 15 SOUTH, RANGE 83 WEST, 6TH PRINCIPAL MERIDIAN
GUNNISON COUNTY, COLORADO



Notes:
- Bearings are relative to a bearing of S63°43'32"W a distance of 1479.25 feet on a line between the GLO Brass Cap at AP9 of Tract 37 and the GLO Brass Cap at AP7 of Tract 37 also being AP2 of Tract 39 as shown on the Independent Resurvey of Section 9, Township 15 South, Range 83 West, 6th P.M. completed in 1939 not shown hereon.
- This survey does not represent a title search by this surveyor to determine ownership or to discover easements or other encumbrances of record. All information pertaining to ownership, easements or other encumbrances of record has been taken from final plat of Crystal Creek Subdivision.
- The lineal unit used in the preparation of this plat is the U.S. Survey Foot as defined by the United States Department of Commerce, National Institute of Standards and Technology.
- Property Description: Lot 10, Crystal Creek Subdivision, Replat of Taylor Park Subdivision as shown on the plat thereof, recorded in the Office of the Clerk and Recorded, Gunnison County, Colorado at Reception No. 409486.
- Original Lot Area and New Lot area shown hereon both equal 0.5 acres.

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

ATTORNEYS OPINION:

I, Marcus J. Lock, 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 Raspberry, LLC, a Colorado limited liability company, and Crystal Creek Homeowner's Association, a Colorado non-profit corporation, and is free and clear of all liens, defects, encumbrances, restrictions and reservations except as follows:

Liens, defects, encumbrances, reservations, or claims thereof, not shown by the public records in the office of the Gunnison County Clerk and Recorder.
Reservations as set forth in United States Patent recorded September 2, 1910 in Book 121 at Page 557 and recorded April 27, 1934 in Book 235 at Page 384.
An easement and right of way for bridge and approaches as granted to the County of Gunnison by instrument recorded March 2, 1953 in Book 291 at Page 224.
Right of way for Taylor River Road No. 153, as granted to the County of Gunnison by instrument recorded June 3, 1957 in Book 325 at Page 267, and subject to the terms and conditions as set forth therein.
Terms, agreements, provisions, conditions and obligations as set forth in Memorandum Agreement by and between the County of Gunnison and Robert A. Gandy, Sr. and Robert A. Gandy Jr., recorded October 18, 1971 in Book 433 at Page 414.
Terms and conditions of usage of those easements as described in Deeds recorded January 21, 1980 in Book 546 at Page 652, and February 26, 1981 in Book 563 at Page 254.
Any question as to the location of those easements as described in Deeds recorded January 21, 1980 in Book 546 at Page 652, and February 26, 1981 in Book 563 at Page 254.
Covenants, conditions, restrictions, lien rights and rights of first refusal as set forth in Declaration of Covenants and Restrictions recorded June 4, 1981 in Book 567 at Page 102, as amended by instruments recorded September 22, 1998 at Reception No. 487180 and 487181.
Easements, notes, reservations and recitals as set forth on the Plat of Taylor Park Subdivision recorded June 4, 1981 at Reception No. 359544, as supplemented by Supplemental Conditions recorded February 17, 1982 in Book 577 at Page 233, as amended by plats recorded July 20, 1982 at Reception No. 368125 and December 7, 1982 at Reception No. 371290, as replatted by the Plat of Crystal Creek Subdivision recorded September 7, 1988 at Reception No. 409486, as amended by Replat of Lot 9 recorded April 25, 2000 at Reception No. 501285.
Covenants, conditions, restrictions, lien rights and rights of first refusal as set forth in the Second Amended and Restated Declaration of Covenants and Restrictions recorded December 10, 2007 and the First Amendment thereto recorded June 2, 2010 at Reception No. 599356.
An easement and right of way for trailhead access road for the Summerville Trail, No. 430, as set forth in Right of Way Deed to the United States Forest Service, Department of Agriculture, recorded January 11, 1982 in Book 576 at Page 60.
The effect of Articles of Incorporation, including rights of first refusal and terms of exercise of same, for Taylor Park Homeowners Association recorded September 1, 1982 in Book 583 at Page 749, as amended by Articles of Amendment recorded September 29, 1988 in Book 658 at Page 873, and the By-Laws recorded September 1, 1982 in Book 583 at Page 754, as amended by instruments recorded July 19, 2004 at Reception No. 544228 and November 3, 2004 as Reception No. 548035.
Terms and conditions of usage of that agricultural, irrigation and livestock watering system easement as granted to Crystal Creek Homeowners Association by instrument recorded October 15, 1991 in Book 696 at Page 254.
An easement and right of way for telecommunication facilities as granted to USWest Communications, Inc. by instrument recorded February 25, 1993 in Book 720 at Page 635.
Any increase or decrease in the area of the land and any adverse claim to any portion of the land which has been created by or caused by accretion or reliction, whether natural or artificial; and the effect of the gain or loss of area by accretion or reliction upon the marketability of the title of the land.
Any right, title or interest of the general public, the State of Colorado and/or the United States in and to the waters of Taylor River.
Terms and conditions of Resolution No. 09-02, by the Board of County Commissioners, recorded January 28, 2009 at Reception No. 588826.
Terms and conditions as set forth in Grants of Easement recorded June 7, 2010 at Reception Nos. 598844 through 598861.

Dated this 6th day of January, 20 14.

/s/ _____
Marcus J. Lock, Atty. Reg. #: 33048

CONSENT AND CONVEYANCE BY CRYSTAL CREEK HOMEOWNERS ASSOCIATION, INC.:

CRYSTAL CREEK HOMEOWNERS ASSOCIATION, INC., a Colorado nonprofit corporation ("Grantor"), for good and valuable consideration, hereby consents to the boundary line adjustment of Lot 10, Crystal Creek Subdivision, as set forth on this plat, and sells and quitclaims to RASPBERRY, LLC, a Colorado limited liability company whose address is 125 Norwal Rd., Memphis, TN, 38117, any and all of Grantor's interest in or to the following real property in the County of Gunnison, State of Colorado, being located entirely within Section 9, Township 15 South, Range 83 West, 6th P.M.:

Lot 10, Crystal Creek Subdivision, according to this plat of the Boundary Line Adjustment of Lot 10, Crystal Creek Subdivision, Replat of Taylor Park Subdivision depicted on the plat as "New Lot Boundary" and consisting of 0.50 acres, more or less.

with all its appurtenances.

Signed this 3rd day of March, 2014.

Crystal Creek Homeowners Association, Inc.

By: Ernest Angelo Jr.
Ernest Angelo, as President of Crystal Creek Homeowners Association, Inc.

STATE OF TEXAS)
)ss
COUNTY OF MIDLAND)

The foregoing instrument was acknowledged before me this 3rd day of, March, 2014, by Ernest Angelo, as President of Crystal Creek Homeowners Association, Inc.

Witness my hand and official seal. My commission expires: 12-16-2016.

Marla S. Wootan
Notary Public

MARLA S. WOOTAN
Notary Public
State of Texas
Comm. Expires 12-16-2016

CONSENT AND CONVEYANCE BY OWNER:

RASPBERRY, LLC, a Colorado limited liability company ("Grantor"), for good and valuable consideration, hereby consents to the boundary line adjustment of Lot 10, Crystal Creek Subdivision, Replat of Taylor Park Subdivision as set forth on this plat, and sells and quitclaims to CRYSTAL CREEK HOMEOWNERS ASSOCIATION, INC., a Colorado nonprofit corporation, whose address is 12500 County Rd 742, Almont, CO 81210, Attn: Margaret Colleen Vader, any and all of Grantor's interest in or to the following real property in the County of Gunnison, State of Colorado, , being located entirely within Section 9, Township 15 South, Range 83 West, 6th P.M.:

All land that was part of Lot 10, Crystal Creek Subdivision, Replat of the Taylor Park Subdivision, according to the plat thereof recorded September 7, 1988 at Reception No. 409486, but which is now located outside of the New Boundary of Lot 10, Crystal Creek Subdivision, Replat of Taylor Park Subdivision according to this plat of the Boundary Line Adjustment of Lot 10, Crystal Creek Subdivision, Replat of Taylor Park Subdivision;

with all its appurtenances, and

Expressly reserves all easements benefiting Lot 10, in particular an access easement across the existing gravel driveway as shown on this plat.

Signed this 28th day of February, 2014.

Marsha M. Wedell
Marsha M. Wedell, as the sole member of Raspberry, LLC

STATE OF Colorado)
)ss
COUNTY OF Gunnison)

The foregoing instrument was acknowledged before me this 28th day of Feb, 2014, by Marsha M. Wedell, as the sole member of Raspberry, LLC.

Witness my hand and official seal. My commission expires: June 26, 2017

Erin L. Jeffery
Notary Public

ERIN L. JEFFERY
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID #20134036773
My Commission Expires June 26, 2017

BOARD OF COUNTY COMMISSIONERS' APPROVAL

The within plat of the boundary line adjustment BOUNDARY LINE ADJUSTMENT OF LOT 10, CRYSTAL CREEK SUBDIVISION, REPLAT OF TAYLOR PARK SUBDIVISION is approved this ____ day of _____, A.D. 20___, _____.

_____
Chairperson, Gunnison County Board of Commissioners Attest:

_____
Gunnison County Clerk and Recorder

GUNNISON COUNTY CLERK AND RECORDER'S ACCEPTANCE:

The BOUNDARY LINE ADJUSTMENT OF LOT 10, CRYSTAL CREEK SUBDIVISION, REPLAT OF TAYLOR PARK SUBDIVISION is accepted for filing in the Office of the Clerk and Recorder of Gunnison County, State of Colorado on this ____ day of _____, 20___ at Reception No. _____.

Time: _____; Date: _____.

_____
Gunnison County Clerk and Recorder

SURVEYOR'S CERTIFICATE:

I, Stephen L. Ehlers, being a registered Professional Land Surveyor, licensed in the State of Colorado, do hereby certify that this BOUNDARY LINE ADJUSTMENT OF LOT 10, CRYSTAL CREEK SUBDIVISION, REPLAT OF TAYLOR PARK SUBDIVISION recorded September 7, 1988, as Reception No. 409486 records of Gunnison County, Colorado, was prepared by SGM on this date, January, 7, 2014, based on site conditions as they existed during a field survey performed September 25, 2013, under my direct supervision and checking and that it is true and correct to the best of my knowledge and belief.

Stephen L. Ehlers
Colorado PLS # 20133
For, and on behalf of SGM

COLORADO REGISTERED STEPHEN L. EHLERS 20133 12/20/14 PROFESSIONAL LAND SURVEYOR

SGM
118 West Sixth Street, Suite 200
Glenwood Springs, CO 81601
970.945.1004 www.sgm-inc.com

Lot 10
Crystal Creek Subdivision
Gunnison County, Colorado

#	Revision	Date	By
1			
2			
3			
4			
5			

Boundary Adjustment

Job No.	2013-227.001
Drawn by:	KT
Date:	10/01/2013
Approved:	XXX
File:	CrystalCreekLot10_ExCon

Q:\2013\227.001_CrystalSplitLot10\dwg\CrystalCreekLot10_ExCon.dwg