AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

AgendaTitle:
Boundary Line Adjustment; Lots 1 and 4, Replat of Mountain Meadows Subdivision and Parcel B of Fisher Subdivision; Marilyn McGill

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement:

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

Summary:
Applicant is requesting to modify a boundary line to increase the size of the lot with an existing residence

Fiscal Impact:

Submitted by: Russell Forrest **Submitter's Email Address:** rforrest@gunnisoncounty.org

Finance Review: ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date: Certificate of Insurance Required

Yes ○ No ○

County Manager Review:

Comments:

Reviewed by: GUNCOUNTY1\mbirnie Discharge Date: 5/29/2014

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

Agenda Date: 6/3/2014 Follow Up Agenda Date:

Revised April 2013

TO: **Board of County Commissioners**

FROM: **Russell Forrest**

DATE: ` **June 3, 2014**

SUBJECT: **Boundary Line Adjustment Lots 1 and 4 , Replat of Mountain Meadows Subdivision & Parcel B, Fisher Subdivision**

Marilyn McGill, represented by Erich Ferchau, requests a boundary line adjustment/replat to reconfigure Lots 1 and 4 of the Mountain Meadows Subdivision and to vacate the existing property line around Parcel B of the Fisher Subdivision. All parcels referenced in Attachment D are owned by Marilyn McGill/MJM Inc. The purpose of this request is to expand the size of the parcel where the original home of the property sits on (Attachment A). The number of parcels remains the same with this proposed Boundary Line Adjustment.

In 2005, the Mountain Meadows Subdivision was approved creating eleven lots. On April 1, 2008, the Gunnison County Board of Commissioners issued a Notice of Suspension of Gunnison County Land Use Change Permit No. 2003-54. The permit was suspended due to issues with water supply. In 2009 the County approved a replat of Mountain Meadows Subdivision to reduce the number of lots from eleven to four. The resolution approving this replat included a finding that a water decree was approved for this replat.

The size of the proposed lots compared to existing include:

	Proposed Acres	Existing Acres
Lot 1 Mountain Meadows Subdivision:	3.2	7.15
Lot 2 Mountain Meadows Subdivision:	2.82	2.82
Lot 3 Mountain Meadows Subdivision:	2.35	2.35
Lot 4 Mountain Meadows Subdivision:	2.14	7.25
Parcel B, Fisher Subdivision	10.07	1.001

The plat and Attorney's Opinion were reviewed and approved by the County Attorney's Office on May 23, 2014.

Attachments:

Aerial Map of Area:	Exhibit A
Mountain Meadows Subdivision- 2005:	Exhibit B
Replat of Mountain Meadows Subdivision- 2009:	Exhibit C
Proposed Lot Line Adjustment-2014:	Exhibit D

Aerial Map of Area:
Exhibit A

Scale = 1:2900

Wednesday, May 28, 2014

Mountain Meadows Subdivision- 2005:
Exhibit B

CURVE TABLE

CURVE	DELTA	LENGTH	RADIUS	TANGENT
C1	19°31'11"	34.08'	100.00'	17.19'
C2	19°31'11"	34.08'	100.00'	17.19'
C3	19°31'11"	34.08'	100.00'	17.19'

Replat of Mountain Meadows Subdivision- 2009:
Exhibit C

on the records of Gunnison County, Colorado

2. The driveways within Mountain Meadows Subdivision are private driveways dedicated to the owners of the Lots served by such private driveways. Costs of improvement and maintenance of shared driveways shall be shared equally between the owners of the Lots that they access.

3. The owner of each Lot shall have a common right of usage of the utility easements to provide utility service to each Lot under rules and regulations as determined by the Mountain Meadows Subdivision Homeowners Association.

4. All homeowners acknowledge the requirements of Colorado's "Fence Out" law, CRS 35-46-101 et seq. and the Right-to-Ranch Policy adopted by Gunnison County, as may be amended.

Plat Notes:

Pursuant to Section 5-209 H. of the Gunnison County Land Use Resolution

Confinement of Domestic Animals: Each Lot Owner within Mountain Meadows Subdivision shall comply with the Amended and Restated Declaration of Protective Covenants of Mountain Meadows Subdivision, recorded 11-4-99 at Reception No. 493036 as dogs and cats shall be confined by kennels, tethering, fencing or other physical containment at all times. This restriction may be enforced by Gunnison County at the expense of the Owner.

Colorado's Fence Out Requirements: A property owner is required to construct and maintain fencing in order to keep livestock off his/her property.

Irrigation Ditch Maintenance: An irrigation ditch owner has the right to enter the designated irrigation ditch maintenance easement, maintain the ditch, and may leave natural debris on the bank.

REPLAT OF MOUNTAIN MEADOWS SUBDIVISION
within
PARCEL A, FISHER SUBDIVISION
GUNNISON COUNTY, COLORADO

SURVEY NOTES:

1. Property location by field measurements from the south quarter corner of Section 13, Basis of bearings is S 88°43'30" E between found monuments at the southwest corner and at the south quarter corner of Section 13 as shown.

2. Driveways serving each lot to be located within the boundary formed by the side building envelope lines extended and the right-of-way line of the adjacent road serving the subject lot.

3. Building envelopes are located 30 feet from all lot lines.

4. Set 1/2" rebar with plastic cap stamped "LS 34979" at all exterior angle points and at all lot corners. Set 1/2" rebar with aluminum cap stamped "LS 34979" at all building envelope corners.

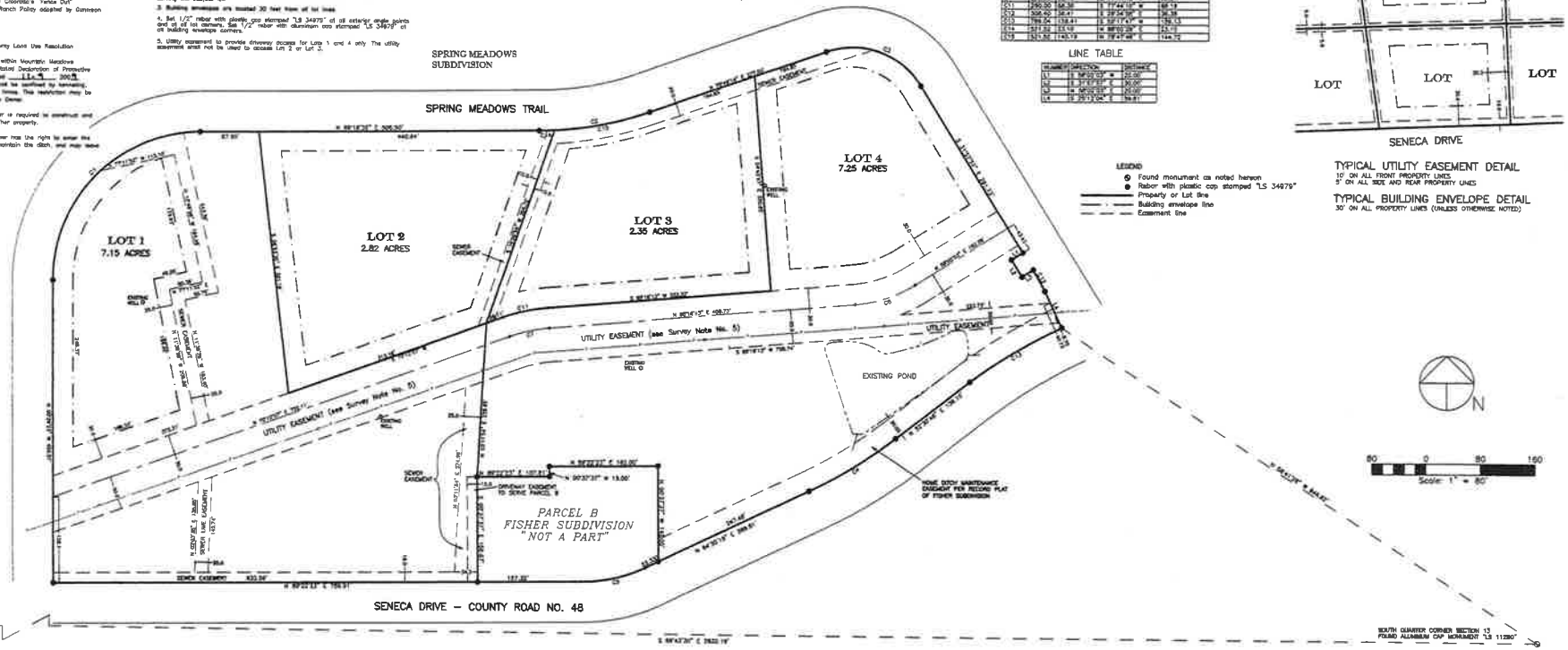
5. Utility easement to provide driveway access for Lots 1 and 4 only. The utility easement shall not be used to access Lot 2 or Lot 3.

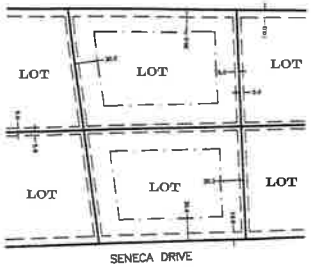
CURVE TABLE

NUMBER	RADIUS	ARC LENGTH	CHORD DIRECTION	CHORD LENGTH
C1	225.13	248.43	N 44°13'34" E	311.80
C2	421.52	168.29	N 30°03'09" E	167.16
C3	120.28	142.89	S 34°34'27" E	150.12
C4	170.00	119.00	S 28°28'45" E	120.72
C5	200.00	95.13	S 18°08'04" W	94.42
C6	200.00	95.07	S 17°38'06" W	94.18
C7	200.00	90.46	S 17°44'19" W	89.71
C11	250.00	58.38	S 17°44'19" W	58.19
C12	308.00	38.47	S 29°24'39" E	38.38
C13	788.04	138.41	S 32°11'47" W	138.13
C14	257.52	23.18	N 88°01'39" E	23.17
C15	521.52	145.19	N 78°47'49" E	144.72

LINE TABLE

NUMBER	DIRECTION	DISTANCE
L1	N 50°03'57" W	22.00'
L2	S 31°57'03" E	30.00'
L3	N 31°57'03" W	30.00'
L4	S 29°13'06" E	59.81'





LEGEND
- Found monument as noted hereon
- Rebar with plastic cap stamped "LS 34979"
- Property or Lot line
- Building envelope line
- Easement line

TYPICAL UTILITY EASEMENT DETAIL
10' ON ALL FRONT PROPERTY LINES
5' ON ALL SIDE AND REAR PROPERTY LINES

TYPICAL BUILDING ENVELOPE DETAIL
30' ON ALL PROPERTY LINES (UNLESS OTHERWISE NOTED)

80 0 80 160
Scale: 1" = 80'

ATTORNEY'S OPINION

I, Jacob A. With, 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 MJM, Inc., a Colorado corporation and is free and clear of all liens, defects, encumbrances, restrictions and reservations except as follows:

1. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.

2. Easements, claims of easements or encumbrances which are not shown by the public records.

3. Any lien or right to a lien, for service, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records

4. The following reservations as contained in the United States Patent recorded September 9, 1882 in Book 45 at Page 7, and recorded September 5, 1890 in Book 101 at Page 31 in the office of the Gunnison County Clerk and Recorder:

a. The right of the proprietor of a vein or lode to extract and remove his ore therefrom should the same be found to penetrate or intersect the premises hereby granted, as provided by law.

b. A right of way for ditches or canals constructed by the authority of the United States

5. Right of way for fishing purposes as granted in Deed recorded September 15, 1970 in Book 422 at Page 85 and in Book 422 at Page 88 in the office of the Gunnison County Clerk and Recorder, inasmuch as it affects the subject property.

6. Easements, notes, reservations and recitals as set forth on the Plat of Fisher Subdivision, recorded December 6, 1999 at Reception No. 498177 in the office of the Gunnison County Clerk and Recorder.

7. Terms and conditions as contained in BOCC Resolution No. 48, Series 1999, recorded December 08, 1999 at Reception No. 498231 in the office of the Gunnison County Clerk and Recorder.

8. Any encroachment of Round Pen as described in Warranty Deed recorded January 13, 2000 at Reception No. 499093 in the office of the Gunnison County Clerk and Recorder.

9. Terms and conditions as contained in Warranty Deed recorded January 13, 2000 at Reception No. 499083 in the office of the Gunnison County Clerk and Recorder.

10. Terms, conditions and obligations as contained in Development Improvement Agreement recorded December 15, 2006 at Reception No. 582918 in the office of the Gunnison County Clerk and Recorder.

11. Taxes and assessments for the year 2009 and subsequent years, a lien but not yet due and payable.

Dated as of the 6th day of August 2009, at 8:00 a.m.

Jacob A. With
Registration No. 40546

Gunnison Cty, CO 11/24/2009 02 16 PM 506322
Pg 1 of 1

SURVEYOR'S CERTIFICATE

I, Timothy E. Pearson, a registered land surveyor in the State of Colorado, certify that this survey and plat were made under my direction and control

DEDICATION

MJM, Inc., a Colorado corporation, being the owner of the land described as follows:

Parcel A, Fisher Subdivision, according to the Plat recorded December 6, 1999, bearing Reception No. 498177, County of Gunnison, State of Colorado.

County of Gunnison,
State of Colorado,

under the name REPLAT OF MOUNTAIN MEADOWS SUBDIVISION, has laid out, platted and/or subdivided the same as shown on this plat and does hereby dedicate and convey to the owners of lots, tracts or parcels within this subdivision and their guests, but not to the public at large, the common right to use the streets, alleys, roads and other areas as shown hereon and hereby dedicate those portions of land labeled as utility easements and sewer easements for the installation and maintenance of such utilities.

In Witness Whereof, the owner has subscribed her name this 3 day of August A.D. 2009.

MJM, Inc., a Colorado corporation
Marilyn J. McGill, President

State of Colorado)
) ss.
County of Gunnison)

The foregoing instrument was acknowledged before me this 3rd day of September A.D. 2009, by Marilyn J. McGill, President of MJM, Inc., a Colorado corporation.

BOARD OF COUNTY COMMISSIONER'S APPROVAL

The within REPLAT OF MOUNTAIN MEADOWS SUBDIVISION is approved this 3rd day of September A.D. 2009, by Resolution No. 48-2009 recorded at Reception No. 595034 and the private dedication of the roads and common areas is approved, provided, however, that such acceptance shall not in any way be considered as an acceptance for maintenance or snow removal purposes. Maintenance of, or snow removal purposes by Gunnison County from, the subject roads shall be only upon a separate Resolution of the Board of County Commissioners passed in accordance with such policies, Resolutions or ordinances in effect at that time.

Chairperson

Attest:
Gunnison County Clerk and Recorder

GUNNISON COUNTY CLERK AND RECORDER'S ACCEPTANCE

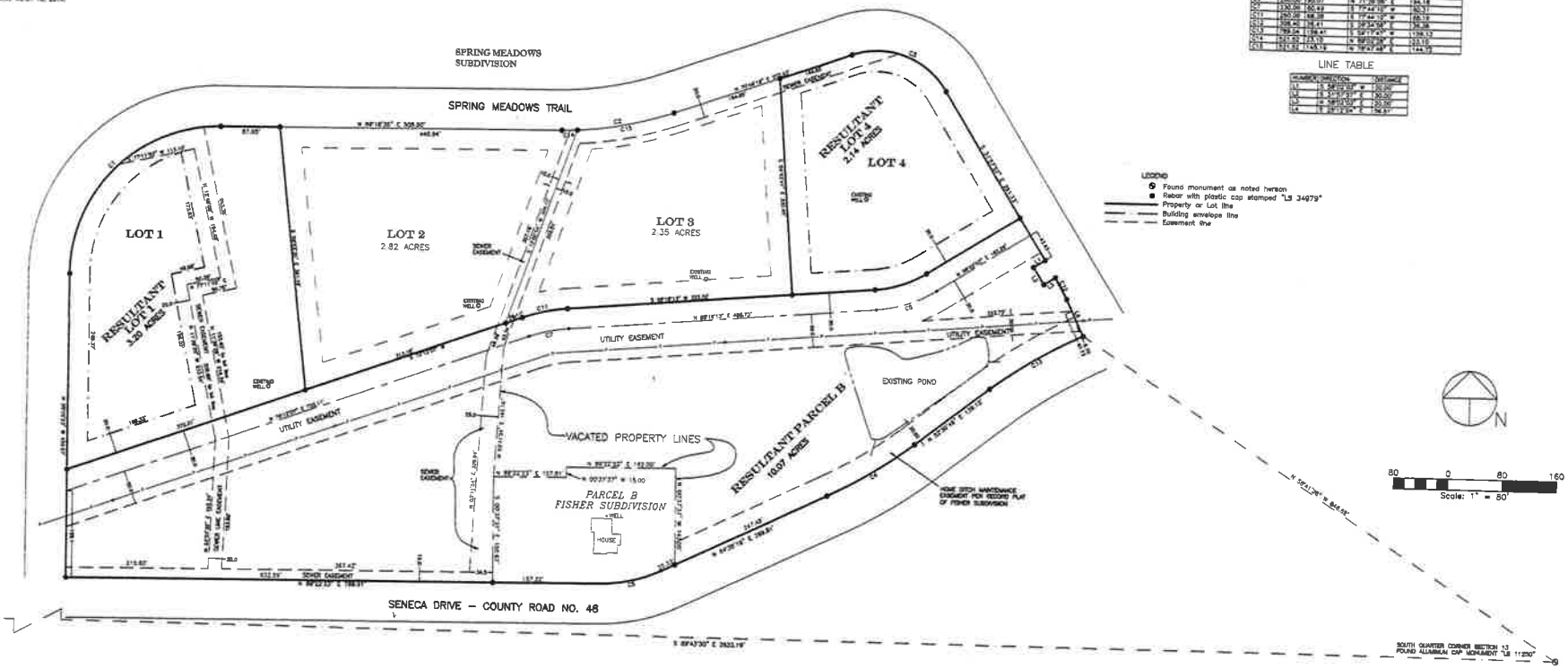
This plat was accepted for filing in the office of the Clerk and Recorder of Gunnison County, Colorado on this 9 day of NOVEMBER A.D. 2009, Reception Number 595038 Time 4:03 p.m. Date 11/9/2009

Gunnison County Clerk and Recorder

Proposed Lot Line Adjustment-2014:
Exhibit D

1. Property geodied by field measurements from the south quarter corner of Section 13. Basis of bearings is S 89°47'30" E between found monuments at the southwest corner and at the south quarter corner of Section 13 as shown.
2. Structures serving each lot to be located within the boundary formed by the serving the subject lot.
3. Building envelopes are located 20 feet from all lot lines.
4. New well locations field located March 18, 2014.

& PARCEL B, FISHER SUBDIVISION
GUNNISON COUNTY, COLORADO



LEGEND
- Found monument as noted hereon
- Rebar with plastic cap stamped "LS 34979"
- Property or Lot line
- Building envelope line
- Easement line

CURVE TABLE

NUMBER	RADIUS	ARC LENGTH	CHORD DIRECTION	CHORD LENGTH
C1	225.17	146.45	N 47°41'30" E	143.90
C2	151.13	146.28	N 82°03'30" E	140.88
C3	35.35	152.08	S 37°12'30" E	139.72
C4	110.00	131.00	S 56°29'45" W	123.37
C5	225.00	55.18	S 78°58'30" W	54.43
C6	225.00	55.07	S 71°58'30" W	54.18
C7	230.00	60.63	S 72°44'15" W	60.41
C8	250.00	68.88	S 72°44'15" W	68.68
C9	198.46	138.61	S 72°44'15" W	135.78
C10	789.34	138.47	S 58°17'45" W	138.13
C11	521.92	123.13	N 82°03'30" E	122.81
C12	521.92	145.19	N 78°47'45" E	144.73

LINE TABLE

NUMBER	DIRECTION	DISTANCE
L1	S 84°00'00" W	30.00'
L2	S 37°57'37" E	30.00'
L3	N 37°57'37" W	30.00'
L4	N 84°00'00" E	30.00'
L5	S 89°13'24" E	196.51'

ATTORNEY'S OPINION

I, David M. Barton, 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 the name of 233 County Road LLC, a Colorado limited liability company (as to the portion of the property shown hereon listed Parcel B, Fisher Subdivision), and in the name of MJM Inc., a Colorado corporation (as to the remaining property shown hereon). All of the property shown hereon is free and clear of all liens, defects, encumbrances, restrictions and reservations except as follows: The exceptions and reservations in the United States Patents recorded September 8, 1882 in Book 45 at Page 7 and recorded September 5, 1890 in Book 101 at Page 31; Finding of No Impact, Certification No. 29, Series 1997, recorded November 13, 1997 at Reception No. 479532; All matters set forth on the Plat of Fisher Subdivision, recorded December 6, 1999 at Reception No. 498177; Terms and conditions in BOCC Resolution No. 46, Series 1999, recorded December 8, 1999 at Reception No. 498231; Possible encroachment as described in Warranty Deed recorded January 13, 2000 at Reception No. 499063; Terms and conditions in Warranty Deed recorded January 13, 2000 at Reception No. 499093; Terms, conditions and obligations in Development Improvement Agreement recorded December 15, 2006 at Reception No. 582918, and addendum thereto recorded November 9, 2009 at Reception No. 595039; Terms and conditions of Amended Ruling of the Referee and Decree recorded March 24, 2009 at Reception No. 589702; Terms and conditions of Resolution No. 46, Series 2009 recorded November 9,2009 at Reception No. 595034; All matters set forth in the Declaration of Protective Covenants recorded November 9, 2009 at Reception No. 595036; and all matters set forth on the Plat of Mountain Meadows recorded November 9, 2009 at Reception No. 595035, and re-recorded November 24, 2009 at Reception No. 595322.

Dated this _____day of _____ 2014.

David M. Barton, Reg. #13139
Attorney-at-Law

SURVEYOR'S CERTIFICATE

I, Timothy E. Pearson, a registered land surveyor in the State of Colorado, certify that this survey and plat were made under my direction and control, and that both are true and correct to the best of my knowledge.

Dated this _____ day of _____ 2014.

Timothy E. Pearson
Colorado L.S. No. 34979

DEDICATION

MJM, Inc., a Colorado corporation, being the owner of the land described as follows:

Lots 1 through 4, Replat of Mountain Meadows Subdivision, according to the plat recorded _____ bearing Reception No. _____ County of Gunnison, State of Colorado;

AND 233 County Road LLC, being the owner of the land described as follows:

Parcel B, Fisher Subdivision, according to the Plat recorded December 6, 1999, bearing Reception No. 498177, County of Gunnison, State of Colorado;

under the name BOUNDARY LINE ADJUSTMENT LOTS 1 AND 4, MOUNTAIN MEADOWS SUBDIVISION & PARCEL B, FISHER SUBDIVISION, have laid out, platted and/or subdivided the same as shown on this plat, and hereby dedicate those portions of land labeled as utility easements and sewer easements for the installation and maintenance of such utilities.

MJM Inc., a Colorado corporation, hereby conveys and Quit Claims to 233 County Road LLC, a Colorado limited liability company, Resultant Parcel B as shown hereon, together with a proportionate share of water rights appertaining thereto.

In Witness Whereof, the owners have subscribed her name this _____ day of _____ A.D. 2014.

MJM, Inc., a Colorado corporation

_____
Marilyn J. McGill, President

233 County Road LLC, a Colorado limited liability company

_____
Marilyn J. McGill, Manager

State of Colorado }
County of Gunnison } ss.

The foregoing instrument was acknowledged before me this _____ day of _____ A.D. 2014, by Marilyn J. McGill, as President of MJM, Inc., a Colorado corporation, and as Manager, 233 County Road LLC, a Colorado limited liability company.

My commission expires

BOARD OF COUNTY COMMISSIONERS APPROVAL

The within plat of Boundary Line Adjustment, LOTS 1 AND 4, REPLAT OF MOUNTAIN MEADOWS SUBDIVISION & PARCEL B, FISHER SUBDIVISION is approved this _____ day of _____ A.D. 2014

_____
Chairman

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. 2014, Reception Number _____ Time _____ Date _____

_____
Gunnison County Clerk and Recorder