# AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

**AgendaTitle:**
Building Envelope Modification Application; Hidden River Ranches, Lot 12; DMT JR Enterprises

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

**Parties to the Agreement:**

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

**Summary:**
Boundary envelope adjustment plat for DMT JR Enterprises, Lot 12, Hidden River Ranches

**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:

Reviewed by: Discharge Date: Certificate of Insurance Required Yes ○ No ○

**County Manager Review:**

Comments:

Reviewed by: GUNCOUNTY1\mbirnie Discharge Date: 8/4/2014

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

Agenda Date: 8/19/2014 Follow Up Agenda Date:

*Revised April 2013*

## PLAT NOTES

1) CONFINEMENT OF DOMESTIC ANIMALS. Domestic animals must be controlled by kenneling, leash, fencing or other physical constraint and that any expense of enforcement of the domestic animal control restrictions by the County shall be at the expense of the responsible association or individual.
2) AWARENESS OF COLORADO "FENCE-OUT" REQUIREMENTS. A property owner is required to construct and maintain fencing in order to keep livestock off his/her property as per C.R.S. 35-46-101 et seq.
3) IRRIGATION DITCH MAINTENANCE. An irrigation ditch owner has the right to enter the designated irrigation ditch maintenance easement, maintain the ditch, and leave natural debris on the bank.
4) COMPLIANCE WITH CERTIFICATE OF APPROVAL
The property described on this plat is subject to all the requirements, terms and conditions of Certificate of Approval No. _____, recorded at Reception No._____ of the Records of the Clerk and Recorder of Gunnison County.

## SURVEY NOTES

1) Basis of Bearing is based upon on a record bearing of N45°21'30"W between rebar & cap monuments stamped "L.S. 11250" found along the southwesterly boundary line of Ranch Site 12, as shown hereon.
2) Distances and dimensions are in U.S. Survey Feet.
3) Property boundaries, easements, and building site are based upon the Plat of Hidden River Ranch, as recorded on 24 Oct. 1996 at Reception No. 471540 of the records of Gunnison County, Colorado.
4) Legal description and encumbrances are based on First Gunnison Title and Escrow, Inc.'s Title Commitment No. 13-08-008, dated 5 August 2013.
5) Additional easements and/or encumbrances may exist.
6) 25' Ditch Easement(s) are based upon Section 11-109 of the Gunnison County Land Use Resolution.

## LAND SURVEYOR'S STATEMENT

I, STEPHEN L. JESSOE, for and on behalf of All County Survey, Inc., being a Licensed Professional Land Surveyor in the State of Colorado, do hereby state that this BUILDING SITE ADJUSTMENT PLAT was prepared by me and under my responsible charge & supervision and a) is accurate to the best of my knowledge, information and belief, b) is in accordance with applicable standards of practice, and c) is not a guarantee or warranty either expressed or implied.

Basis of Bearing is based upon on a record bearing of N45°21'30"W between rebar & cap monuments stamped "L.S. 11250" found along the southwesterly boundary line of Ranch Site 12, as shown hereon.

Dated this _____ day of _____, A.D. 2014.

_____ (Seal)
Stephen L. Jessoe
Colorado Licensed Professional Land Surveyor No. 38048
For and on behalf of All County Survey, Inc.
P.O. Box 7164, Gunnison, CO 81230

## ATTORNEY'S OPINION

I, Michael P. O'Loughlin, being an attorney at law duly licensed to practice before courts of record in the State of Colorado, do hereby certify that I have examined the title to all lands herein dedicated and shown upon this plat and that title to such lands is in the dedicator free and clear of all liens, taxes and encumbrances, except as follows:

1. Any facts, rights, interests, or claims which are not shown in the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
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 Land would disclose, and which are not shown by the Public Records.
4. Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown in the Public Records.
5. Taxes and assessments which are a lien or are now due and payable; any unredeemed tax sales; any tax, special assessment, charge or lien imposed for water or sewer service; any tax, special assessment, charge or lien imposed for or by any special taxing district or on account of the inclusion of the subject property in one or more improvement districts.
6. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; c) water rights, claims or title to water, whether or not the matter excepted under (a), (b), or (c) are shown by the Public Records.
7. The following reservations as contained in the United States Patent recorded September 12, 1900 in Book 101 at Page 239, and in Book 101 at Pages 454, 455 and 456: 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.
8. Right of Way Agreements dated May 20, 1935 and recorded June 26, 1935 in Book 248 at Page 311. (Affects common areas)
9. An easement for an irrigation ditch and diversion box dated June 19, 1953 and recorded July 7, 1953 in Book 291 at Page 337 of the records of Gunnison County, Colorado. (Affects common areas)
10. Terms and conditions of Utility Easement recorded July 20, 1995 in Book 767 at Page 327. (Affects common areas)
11. Those matters as imposed by Board of County Commissioners of Gunnison County Resolution No. 33, Series 1996, recorded July 18, 1996 in Book 787 at Page 213.
12. Easements, notes, reservations and recitals as set forth on the Plat of Hidden River Ranch recorded October 25, 1996 at Reception No. 471540.
13. Covenants, conditions, restrictions, reservations and lien rights, which do not contain a forfeiture or reverter clause, set forth in the Declaration recorded October 23, 1996 in Book 792 at Page 794 and amendments recorded March 4, 1998 at Reception No. 482145 and amendments recorded May 19, 1999 at Reception No. 493210.
14. Terms and conditions of Deed of Conservation Easement recorded October 23, 1996 in Book 792 at Page 833.
15. Terms and conditions of Development Improvements Agreement recorded October 23, 1996 in Book 792 at Page 848.
16. Matters as disclosed by Affidavit recorded October 29, 1996 in Book 793 Page 101.
17. The effect of Warranty Deed to the Department of Transportation, State of Colorado, recorded July 14, 1997 at Reception No. 476763. (Affects common areas)
18. Terms, conditions, provisions, agreements and obligations specified under the Easement and Maintenance Agreement for Access Road by and between Garland Properties, Inc., a Colorado corporation, PSZ, Inc., a Nevada corporation and Hidden River Ranch Association, Inc., a Colorado corporation recorded August 19, 1997 at Reception No. 477678.
19. Right of Way Easement granted to Greeley Gas Company recorded January 16, 1998 at Reception No. 481125.
20. The Fishing Agreement between Hidden River Ranch Association, East River Ranch Homeowner's Association, and others dated April 22, 1998 and recorded March 15, 1999 at Reception No. 491570.
21. The inclusion of the Ranch Site within any special district and any taxes, fees, or assessments by virtue of the Ranch Site within such district.
22. 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, as this relates to East River.
23. Any right, title or interest of the general public, the State of Colorado and/or the United States in and to the waters of East River.

Dated this _____ day of _____, A.D., 2014.

_____
Michael P. O'Loughlin, Attorney-At-Law
Supreme Court Registration No. 38134
Schumacher & O'Loughlin, LLC
232 W. Tomichi #204, Gunnison, CO 81230

## DEDICATION

I, Don Turk, President of DMT JR Enterprises, Inc., a Colorado Corporation, being the owner of the land described as follows:

Ranch Site 12, HIDDEN RIVER RANCH, according to the Plat thereof recorded October 24, 1996 at Reception No. 471540,

County of Gunnison,
State of Colorado.

under the name of BUILDING SITE ADJUSTMENT PLAT, have laid out, platted and/or subdivided the same as shown on this plat and hereby permanently dedicate those portions of land labeled as easements for the installation and maintenance of public utilities as shown hereon.

The real property laid out as BUILDING SITE ADJUSTMENT PLAT, Gunnison County, Colorado, is platted and dedicated pursuant to the terms and conditions of the Protective Covenants of HIDDEN RIVER RANCH.

In witness whereof, Don Turk has subscribed his name this ____ day of _____, A.D. 2014.

By _____
Don Turk,
President of DMT JR Enterprises, Inc., a Colorado Corporation

State of Colorado )
) s.s.
County of Gunnison )

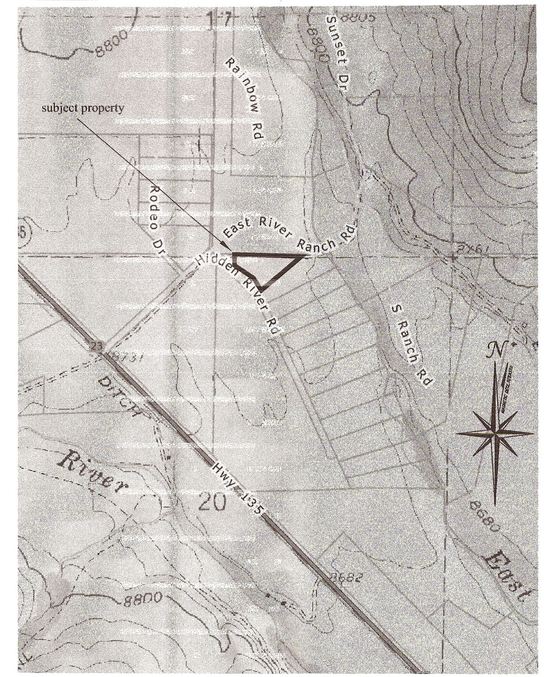
The foregoing instrument was acknowledged before me this ____ day of _____, A.D. 2014, by Don Turk, President of DMT JR Enterprises, Inc.

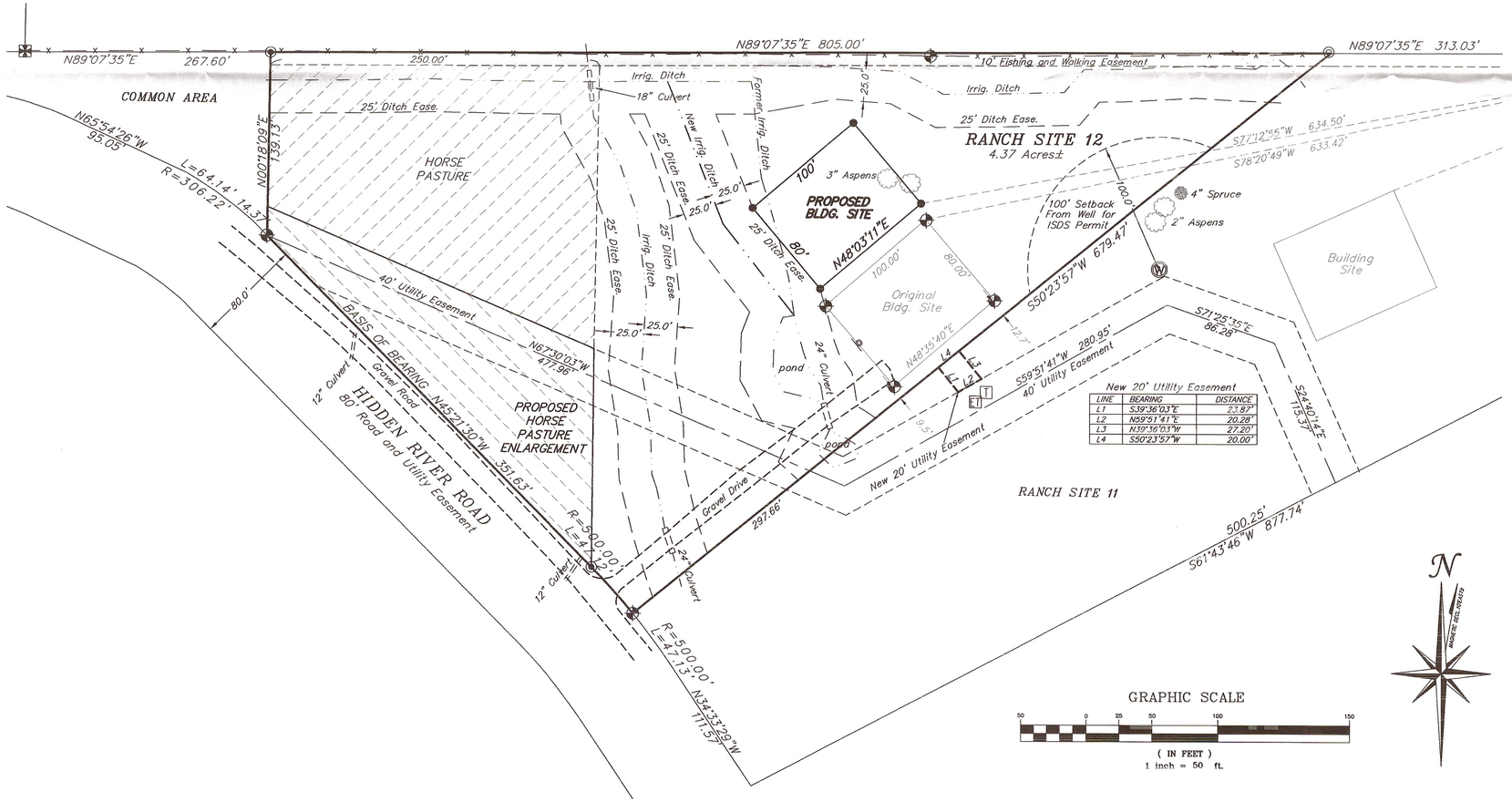
My commission expires:_____
My address is:_____

Witness my hand and official seal:

_____
Notary Public (seal)

VICINITY MAP (not to scale)




LEGEND

- Found rebar & cap "LS 11250"
- Found 3" cap "1/4 Corner LS 11250"
- Found no.5 rebar
- Set no.5 rebar and plastic cap "LS 38048"
- Set spike and lath
- Electric Transformer
- Telephone Pedestal
- Sign Post

## GUNNISON COUNTY PLANNING COMMISSION APPROVAL

The Planning Commission of Gunnison County, Colorado, hereby recommends approval of this BUILDING SITE ADJUSTMENT PLAT, such recommendation being made at a meeting of said Commission held on this ____ day of _____, A.D. 2014.

By _____
Chairperson, Gunnison County Planning Commission

ATTEST:

_____
Gunnison County Clerk and Recorder

## BOARD OF COUNTY COMMISSIONERS' APPROVAL

The within BUILDING SITE ADJUSTMENT PLAT is approved this ____ day of _____, A.D. 2014, and the private dedication of roads and common areas is approved on the condition that such roads and common areas shall be maintained and snowplowed, by and at the expense of the lot owners and not by Gunnison County or any other public agency.

By _____
Chairperson, Gunnison County Board of Commissioners

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 ____ day of _____, 2014.

Reception Number _____ Time _____ Date _____

_____
Gunnison County Clerk and Recorder


ALL COUNTY SURVEY INC.
Stephen Jessoe, P.L.S.
P.O. Box 7164, Gunnison, CO 81230
970-349-9400 www.allcountysurvey.com


# BUILDING SITE ADJUSTMENT PLAT
## RANCH SITE No. 12, HIDDEN RIVER RANCH
## LOCATED IN NW1/4 SEC. 20, T14S, R85W, 6th PM
## COUNTY of GUNNISON, STATE of COLORADO

SCALE: 1" = 50'

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.

DATE: 24 JUN 2014
DRAWN BY: SLJ
REVIEWED BY: SLJ

REVISIONS:
1.
2.
3.
4.
5.

BUILDING SITE ADJUSTMENT PLAT
RANCH SITE 12
HIDDEN RIVER RANCH
LOCATED IN NW1/4 SEC. 20
T14S, R85W, 6th PM
GUNNISON COUNTY, COLORADO