AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

AgendaTitle:
Boundary Line Adjustment; Little Bighorn Lots 9 and 10; Eagles Rest Lot 30

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement:

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

Summary:
Boundary Line Adjustment - Lots 9 & 10 Little Bighorn and Lot 30 Eagles Rest

Fiscal Impact:

Submitted by: Neal Starkebaum **Submitter's Email Address:** nstarkebaum@gunnisoncounty.org

Finance Review: ○ Required ● Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ● Required ○ Not Required

Comments:

Reviewed by: GUNCOUNTY1\atrezise Discharge Date: 1/8/2015 Certificate of Insurance Required

Yes ○ No ●

County Manager Review:

Comments:

Reviewed by: GUNCOUNTY1\mbirnie Discharge Date: 1/8/2015

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

Agenda Date: 1/13/2015 Follow Up Agenda Date:

Revised April 2013

BOUNDARY LINE ADJUSTMENT

SITUATED IN LOTS 9 AND 10 LITTLE BIGHORN SUBDIVISION AND LOT 30 EAGLES REST SUBDIVISION

SECTION 32, TOWNSHIP 47 NORTH, RANGE 8 WEST,
COUNTY OF GUNNISON, STATE OF COLORADO

We, GARDEN VALLEY CHRISTIAN CENTER, a Texas Non Profit Organization

Have laid out, platted and/or subdivided the same as shown on this plat and do hereby permanently 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 streets, alleys roads and other areas as shown hereon and hereby permanently dedicate those portions of land labeled as easements for the installation and maintenance of public utilitiesas shown hereon.

The undersigned agree that the New Property Line, as indicated on this plat is hereby determined and permanently established as the boundary between their respective properties. Each party hereby grants, sells and conveys to the other party such of his or her property as may lie on the other party's side of the agreed boundary.

In witness whereof GARDEN VALLEY CHRISTIAN CENTER, a Texas Non Profit Organization have subscribed their names this _____ DAY OF _____, A.D. 20_____.

By _____ By _____

STATE OF TEXAS
COUNTY OF _____
The foregoing certificate was acknowledeged before me this _____ day of
_____, A.D. 20_____ by

My commision expires _____

Witness my hand and seal _____
Notary Public.

In witness whereof Leland and Fran Paris have subscribed their names this _____ day of
_____, A.D. 20_____.

By _____ By _____

STATE OF _____
COUNTY OF _____
The foregoing certificate was acknowledeged before me this _____ day of
_____, A.D. 20_____ by

My commision expires _____

Witness my hand and seal _____
Notary Public.

Resulting Parcels Property Descriptions

LOT 9
A tract of land situated in the S1/2 of Section 32, Township 47 North, Range 6 West, N.M.P.M., Gunnison County, Colorado more particularly described as:
Beginning at a point S.16°47'48"W, 33.62 feet from the SW corner of Lot 9 of the Little Bighorn Subdivision as recorded at Reception No. 350461 in the Gunnison County Recorder's Office;
thence S.60°38'02"W. a distance of 30.00 feet;
thence along a curve turning to the left with an arc length of 143.76 feet,
with a radius of 250.00 feet, with a chord bearing of N.45°50'28"W., with a chord length of 141.79 feet,;
thence N.62°18'54"W. a distance of 44.90 feet;
thence along a curve turning to the left with an arc length of 24.97 feet,
with a radius of 200.00 feet, with a chord bearing of N.65°53'31"W., with a chord length of 24.96 feet,;
thence N.06°52'00"W. a distance of 70.81 feet;
thence N.12°58'37"E. a distance of 77.19 feet;
thence S.36°00'00"E. a distance of 38.68 feet;
thence N.48°36'55"E a distance of 208.00 feet;
thence along a curve turning to the left with an arc length of 108.96 feet,
with a radius of 730.00 feet, with a chord bearing of S.45°39'38"E., with a chord length of 108.85 feet,;
thence S.49°56'11"E. a distance of 166.39 feet;
thence along a curve turning to the right with an arc length of 3.10 feet,
with a radius of 170.00 feet, with a chord bearing of S.49°24'48"E., with a chord length of 3.10 feet,;
thence S.43°57'20"W. a distance of 288.45 feet;
thence N.10°01'38"W. a distance of 26.38 feet;
which is the point of beginning, having an area of 1.94 acres

LOT 10
A tract of land situated in the S1/2 of Section 32, Township 47 North, Range 6 West, N.M.P.M., Gunnison County, Colorado more particularly described as:
Beginning at a point S.15°56'25"E. 42.40 feet from the SW corner of Lot 9 of the Little Bighorn Subdivision as recorded at Reception No. 350461 in the Gunnison County Recorder's Office;
thence S.43°57'20"W. a distance of 24.16 feet;
thence S.19°44'23"E. a distance of 54.07 feet;
thence S.74°11'36"E. a distance of 177.10 feet;
thence N.88°33'42"E. a distance of 37.72 feet;
thence N.11°15'51"E. a distance of 147.38 feet;
thence along a curve turning to the left with an arc length of 178.48 feet,
with a radius of 170.00 feet, with a chord bearing of N.18°48'47"W., with a chord length of 170.40 feet,;
thence S.43°57'20"W. a distance of 264.29 feet;
which is the point of beginning, having an area of 1.10 acres

LOT 30
A tract of land situated in the S1/2 of Section 32, Township 47 North, Range 6 West, N.M.P.M., Gunnison County, Colorado more particularly described as:
Beginning at a point S.16°47'48"W. 33.62 feet from the SW corner of Lot 9 of the Little Bighorn Subdivision as recorded at Reception No. 350461 in the Gunnison County Recorder's Office;
thence S.60°38'02"W. a distance of 60.00 feet;
thence S.16°20'58"W. a distance of 253.89 feet;
thence S.16°59'04"W. a distance of 46.84 feet;
thence N.87°00'00"E. a distance of 262.94 feet;
thence N.03°00'00"W. a distance of 38.00 feet;
thence along a curve turning to the left with an arc length of 36.32 feet,
with a radius of 81.25 feet, with a chord bearing of N.87°00'00"E, with a chord length of 36.02 feet,;
thence N.87°00'00"E. a distance of 44.47 feet;
thence N.11°15'51"E. a distance of 140.46 feet;
thence S.88°33'42"W. a distance of 37.72 feet;
thence N.74°11'36"W. a distance of 177.10 feet;
thence N.19°44'23"W. a distance of 54.07 feet;
thence N.10°01'38"w. a distance of 26.38 feet;
which is the point of beginning, having an area of 1.59 acres

Attorney's Opinion

I, Brent A. Martin, 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 Garden Valley Christian Center and is free and clear of all liens, defects, encumbrances, restrictions and reservations except as follows:

1. The subdivision in which Lot X is located is not governed by a homeowners association, and no approval has been given by any association for any boundary line adjustment in that subdivision.

2. The following exceptions, as listed on the Litigation Guarantee Number LG-2-3822482 attached hereto as Exhibit A.

   a. Any facts, rights, interest, or claims which are not shown by the public records.
   b. Any lien, or right to a lien, for services, labor or material imposed by law.
   c. Any and all recorded rights of way and easements including, but not limited to roads, highways, ditches, creeks, laterals, canals, reservoirs, drainage ways, flumes, utilities, guy line/anchors, railroads and aircraft overflight.
   d. Any and all unpaid taxes, assessments, bonds and unredeemed tax sales.
   e. Any Restrictions, Convenants, Declarations, conditions, Leases, Agreements and Mineral Reservations of record, and all modifications thereof, if any.
   f. Unpatented mining claims, reservations or exemptions in patents or in Acts authorizing the issuance thereof, water rights, claims or title to water.
   g. Discrepancies, conflicts in boundary lines, encroachments, easements, variations in area or content, party walls and/or any facts that a correct survey and/or physical inspection of the premises would disclose.
   h. Any tax, assessment, fees or charges, by reason of the inclusion of the subject property in the Shavano Soil Conservation District.
   i. Easement as described in instrument from Goldie Lathrop to Clarice N. Passmore, recorded December 2, 1965 in Book 385 at Page 96.
   j. Easement as described in instrument from Goldie Lathrop to The Western Colorado Power Company, recorded June 21, 1965 in Book 381 at Page 70.
   k. Easement as described in instrument from Harry L. & Joanne Ergott to Delta-Montrose Electric Association, recorded September 12, 1988 in Book 658 at Page 68.
   l. Covenants and restrictions as contained in Declaration of Covenants, recorded June 3, 1980 in Book 550 at Page 791, but omitting restrictions, if any, based on race, color, creed, national origin, religion, sex, sexual orientation, marital status, disability, handicap, ancestry, source of income or familial status unless and only to the extent that said covenant (a) is exempt under Chapter 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons.
   m. All easements, plat notes, notices, building setbacks and general dedications as set forth on the plat of said subdivision filed for record June 3, 1980 as Reception No. 350461 pertaining to the subject property and appurtenances thereto.
   n. Terms, agreements, provisions, conditions and obligations as contained in Resolution, between Board of County Commissioners and Don and Gary Stephens, recorded October 31, 1989 in Book 671 at Page 689.
   o. All easements, plat notes, notices, building setbacks and general dedications as set forth on the plat of said subdivision filed for record March 26, 1998 as Reception No. 482572 pertaining to the subject property and appurtenances thereto.
   p. Easements as described in instrument from Donald K. Stephens, Gary W. Stephens and C. Lynn Green and Eagles Rest Subdivision, Phases 2 & 3 (combined) Homeowners Association, Inc. recorded April 10, 1998 as Reception No. 482857.
   q. Covenants and restrictions as contained in Declaration of Covenants and Conditions, recorded March 26, 1998 as Reception No.482573, but omitting restrictions, if any, based on race, color, creed, national origin, religion, sex, sexual orientation, marital status, disability, handicap, ancestry, source of income or familial status unless and only to the extent that said covenant (a) is exempt under Chapter 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons.
   r. All easements, plat notes and notices, building setbacks, restrictions and general dedications pertaining to subject property as set forth on the plat of Boundary Agreement filed for record August 30, 2000 as Reception No.504660 and August 10, 2012 as Reception No. 614722 and any appurtenances thereto.
   s. That portion, if any, lying in or being used as a County Road.
   t. Deed of Trust from Garden Valley Christian Center to the Public Trustee of the County of Gunnison, for the use of Southside Bank, to secure $150,000.00, dated October 23, 2002, recorded October 28, 2002 as Reception No. 525113.
   u. Extension agreement recorded October 30, 2007 as Reception No. 579917.

3. The following exceptions, as listed on the Litigation Guarantee Number LG-2-3822922 attached hereto as Exhibit A.

   a. Any facts, rights, interest, or claims which are not shown by the public records.
   b. Any lien, or right to a lien, for services, labor or material imposed by law.
   c. Any and all recorded rights of way and easements including, but not limited to roads, highways, ditches, creeks, laterals, canals, reservoirs, drainage ways, flumes, utilities, guy line/anchors, railroads and aircraft overflight.
   d. Any and all unpaid taxes, assessments, bonds and unredeemed tax sales
   e. Any Restrictions, Convenants, Declarations, conditions, Leases, Agreements and Mineral Reservations of record, and all modifications thereof, if any.
   f. Unpatented mining claims, reservations or exemptions in patents or in Acts authorizing the issuance thereof, water rights, claims or title to water.
   g. Discrepancies, conflicts in boundary lines, encroachments, easements, variations in area or content, party walls and/or any facts that a correct survey and/or physical inspection of the premises would disclose.
   h. Any tax, assessment, fees or charges, by reason of the inclusion of the subject property in the Shavano Soil Conservation District.
   i. Easement as described in instrument from Goldie Lathrop to Clarice N. Passmore, recorded December 2, 1965 in Book 385 at Page 96.
   j. Easement as described in instrument from Goldie Lathrop to The Western Colorado Power Company, recorded June 21, 1965 in Book 381 at Page 70.
   k. Easement as described in instrument from Harry L. & Joanne Ergott to Delta-Montrose Electric Association, recorded September 12, 1988 in Book 658 at Page 68.
   l. Covenants and restrictions as contained in Declaration of Covenants, recorded June 3, 1980 in Book 550 at Page 791, but omitting restrictions, if any, based on race, color, creed, national origin, religion, sex, sexual orientation, marital status, disability, handicap, ancestry, source of income or familial status unless and only to the extent that said covenant (a) is exempt under Chapter 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons.
   m. All easements, plat notes, notices, building setbacks and general dedications as set forth on the plat of said subdivision filed for record June 3, 1980 as Reception No. 350461 pertaining to the subject property and appurtenances thereto.
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   s. That portion, if any, lying in or being used as a County Road.

Dated this 19th day of November, 2014.

Very Truly Yours,

_____
Brent A. Martin
Attorney-at-Law

BASIS OF BEARINGS:

The bearing between the Set rebar and cap LS24299 at the revised SW corner of Lot 9 and the Set rebar and cap LS24299 at the revised SE corner of Lot 9, bears N.43°57'20"E. (ASSUMED)

LINEAL UNITS STATEMENT:

The Lineal Unit used on this plat is U.S. Survey Feet

SURVEYORS CERTIFICATE:

I Ron K. Barrett, hereby certify that I am a Registered Land Surveyor of the State of Colorado, that this map consisting of 1 sheet, correctly represents a survey made under my supervision, that all monuments shown hereon actually exist and their positions are as shown. This survey does not include easements except those specifically shown hereon.

_____
Ron K. Barrett L.S. 24299

BOARD OF COUNTY COMMISSIONERS' APPROVAL

The within plat of the boundary line adjustment is approved this _____ day of
_____, A.D. 20_____.

_____
Chairperson, Gunnison County Board of Commisioners

Attest:

_____
Gunnison County Clerk and Recorder

GUNNISON COUNTY CLERK AND RECORDER'S ACCEPTANCE:

This plat was accepted for record in the office of the Clerk and Recorder of Gunnison County, Colorado

on this ____ day of _____, 20__. Reception No. _____.

Time ____ Date, _____

_____,
Gunnison County Clerk & Recorder

NOTICE: According to Colorado Law (13-80-105, CRS) you must commence any legal action based upon any defect in this survey within three (3) years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten (10) years from the date of the certification shown hereon.

DMC
DEL-MONT CONSULTANTS, INC.
ENGINEERING ▼ SURVEYING
125 Colorado Ave.▼ Montrose, CO 81401 ▼ (970) 249-2251 ▼ (970) 249-2342 FAX
www.delmont.com ▼ service@delmont.com

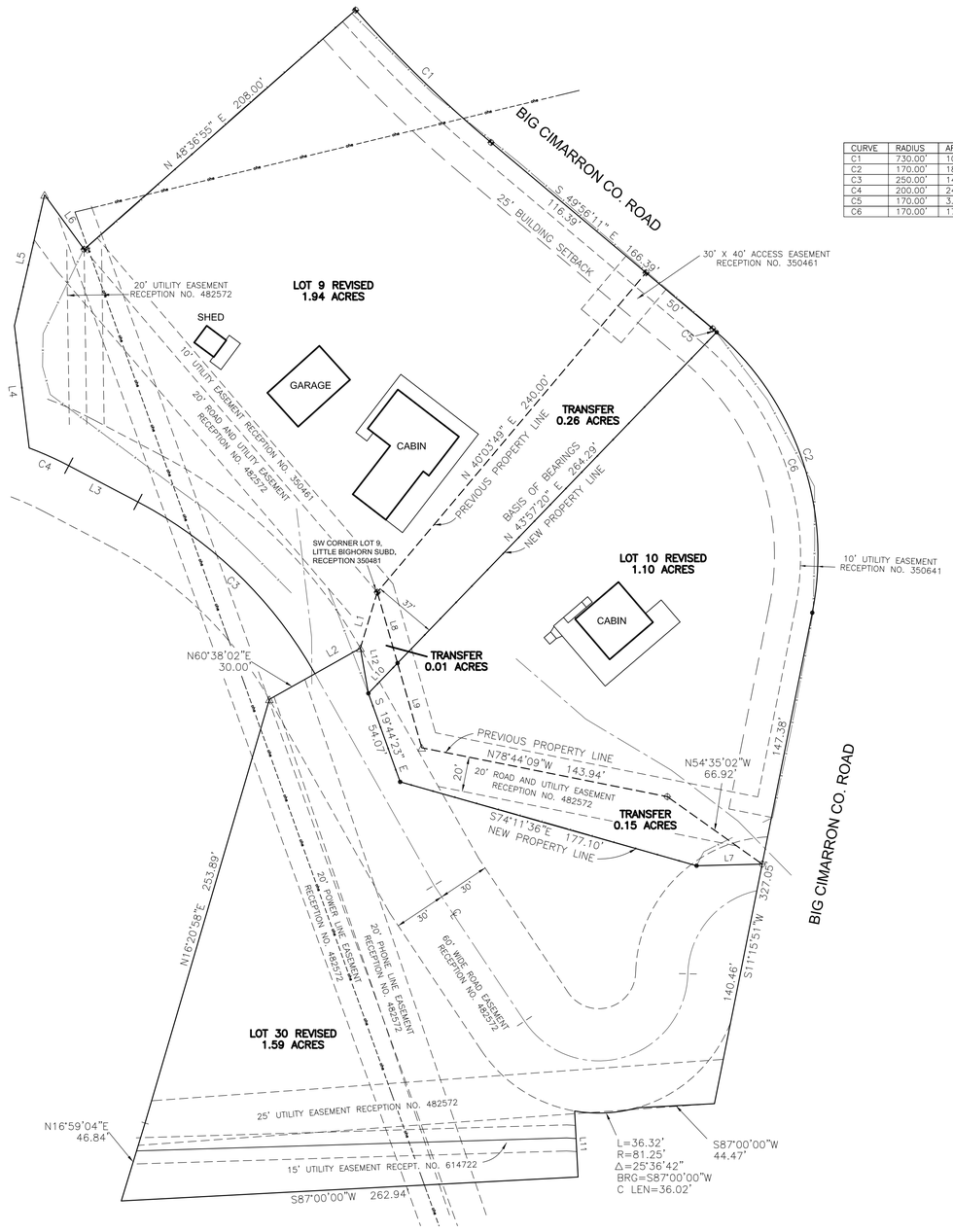
FIELD BOOK: 312	DRAWN BY: F.A.B.	DATE: 12 DEC. 2014	TITLE: BOUNDARY LINE ADJUSTMENT
SHEET: 1 of 2	FILE: ACARLSON2004	JOB NO.: 14137	CLIENT: MARK BROCK
			ADDRESS & PHONE: P.O. BOX 2422 LINDALE, TEXAS 75771-8522
			TYPE: BOUNDARY ADJUSTMENT

BOUNDARY LINE ADJUSTMENT

SITUATED IN LOTS 9 AND 10 LITTLE BIGHORN SUBDIVISION AND LOT 30 EAGLES REST SUBDIVISION

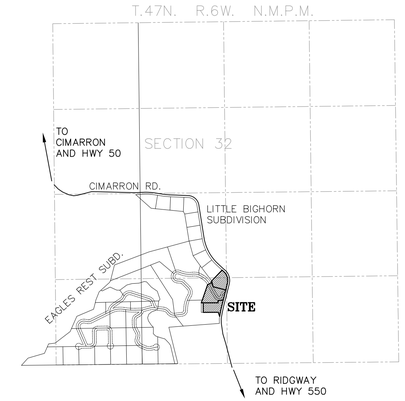
SECTION 32, TOWNSHIP 47 NORTH, RANGE 8 WEST,

COUNTY OF GUNNISON, STATE OF COLORADO



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	730.00'	108.96'	108.85'	N 45°39'38" W	08°33'06"
C2	170.00'	181.59'	173.08'	S 19°20'10" E	61°12'02"
C3	250.00'	143.76'	141.79'	S 49°50'28" E	32°56'53"
C4	200.00'	24.97'	24.96'	S 65°53'31" E	07°09'14"
C5	170.00'	3.10'	3.10'	S 49°24'48" E	01°02'46"
C6	170.00'	178.48'	170.40'	S 18°48'47" E	60°09'16"

LINE	BEARING	DISTANCE
L1	S 16°47'48" W	33.62'
L2	S 60°38'02" W	30.00'
L3	N 62°18'54" W	44.90'
L4	N 06°52'00" W	70.81'
L5	N 12°58'37" E	77.19'
L6	S 36°00'00" E	38.68'
L7	S 88°33'42" W	37.72'
L8	S 15°56'25" E	42.40'
L9	S 15°56'25" E	50.63'
L10	N 43°57'20" E	24.16'
L11	S 03°00'00" E	38.00'
L12	S10°01'38"E	26.38'



VICINITY MAP

N.T.S.

N

LEGEND

- ○ = FD. REBAR
- △ = FD. REBAR & CAP (L.S. 12180)
- ◓ = FD. REBAR & CAP (L.S. 10738)
- ⊕ = FD. REBAR & CAP (L.S. 16840)
- ● = SET 5/8"x18" REBAR W/ 1 1/2" CAP

1" = 40'

0' 40' 80' 120'

NOTICE: According to Colorado Law (13-80-105, CRS) you must commence any legal action based upon any defect in this survey within three (3) years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten (10) years from the date of the certification shown hereon.

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FIELD BOOK: 312	DRAWN BY: F.A.B.	DATE: 12 DEC. 14
SHEET: 2 of 2	FILE: ACARLSON2004	JOB NO.: 14137

TITLE: BOUNDARY LINE ADJUSTMENT

CLIENT: MARK BROCK

ADDRESS & PHONE: P.O. BOX 2422 LINDALE, TEXAS 75771-8522

TYPE: BOUNDARY ADJUSTMENT