AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

AgendaTitle:
Amendment to Grant of Permanent Maintenance Easements; Taylor River Canyon, LLC; Taylor River Road Project

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement:

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

Summary:
During the realignment of Taylor River Road a culvert was relocated which required an amendment to the permanent maintenance easement. Attached for approval and signature please find the Amendment to Grant of Permanent Maintenance Easement.

Fiscal Impact: 0

Submitted by: Office of the County Attorney **Submitter's Email Address:** rmagruder@gunnisoncounty.org

Finance Review: ○ Required ● Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ● Required ○ Not Required

Comments:

ok db 4/14/15

Reviewed by: GUNCOUNTY1\dBaumgarten Discharge Date: 4/14/2015 Certificate of Insurance Required

Yes ○ No ●

County Manager Review:

Comments:

Reviewed by: GUNCOUNTY1\khaase Discharge Date: 4/14/2015

○ Consent Agenda ● Regular Agenda ○ Worksession Time Allotted: DCM Reports

Agenda Date: 4/21/2015 Follow Up Agenda Date:

Revised April 2013

AMENDMENT TO GRANT OF PERMANENT MAINTENANCE EASEMENTS

THIS AMENDMENT TO GRANT OF PERMANENT MAINTENANCE EASEMENTS (hereinafter "Amendment") is made this ____ day of _____, 2015 by and between TAYLOR RIVER CANYON, L.L.C., a Delaware limited liability company whose address is 221 N. Hogan Street, Suite 403, Jacksonville, Florida 32202 (hereinafter "Grantor") and the Board of County Commissioners of the County of Gunnison, Colorado 81230 whose address is 200 E. Virginia, Gunnison, Colorado 81230 (hereinafter "Grantee").

WHEREAS, during the realignment and reconstruction of Taylor River Road a/k/a County Road 742, maintenance easements became a necessary component in order to maintain drainage, access culverts and to perform maintenance of the road; and

WHEREAS, on November 17, 2010 Grantor conveyed to Grantee a Grant of Permanent Maintenance Easements which was subsequently recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on December 16, 2010, bearing Reception No: 602623 (hereinafter "Grant of Permanent Maintenance Easements"); and

WHEREAS, Permanent Maintenance Easement 40-1 ("PME 40-1") is described and identified in the exhibits attached to the aforementioned Grant of Permanent Maintenance Easements, specifically it is described in the second page of Exhibit "A" titled "Permanent Maintenance Easement PME 40-1" and identified in Exhibit "B"; and

WHEREAS, during construction activities for the realignment of Taylor River Road a/k/a County Road 742 the anticipated location of one of the permanent maintenance easements identified in the Grant of Permanent Maintenance Easements, PME 40-1 had to be altered and relocated; and

WHEREAS, the correct location of PME 40-1 is identified in Exhibit "A" titled "Permanent Maintenance Easement PME 40-2" and Exhibit "B" attached hereto and incorporated herein by reference.

WITNESSETH, Grantor for good and valuable consideration, the sufficiency of which is hereby acknowledged, amends the Grant of Permanent Maintenance Easements conveyed to Grantee by correcting the location of PME 40-1, now described and identified as PME 40-2 in Exhibits "A" and "B" attached hereto thereby vacating PME 40-1 with the replacement of PME 40-2.

EXCEPT as expressly identified herein, the Grant of Permanent Maintenance Easements and all terms, conditions and locations of easements identified therein are hereby reaffirmed and ratified.

TAYLOR RIVER CANYON, L.L.C.,
a Delaware limited liability company

By:_____

STATE OF FLORIDA)
) ss.
County of Duval)

The foregoing was acknowledged before me this 2nd day of April, 2015, by Richard W. Hawthorne, as Vice President of Taylor River Canyon, L.L.C., a Delaware limited liability company, Grantor herein.

Witness my hand and official seal.
My commission expires: 12-17-2018

_____
Notary Public
Address:

SUZANNE G. MCGOWAN
Notary Public - State of Florida
Commission # FF 184218
My Comm. Expires Dec 17, 2018
Bonded through National Notary Assn.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

By:_____
Paula Swenson, Chairperson

ATTEST:

_____
Deputy County Clerk

Exhibit "A"

PERMANENT MAINTENANCE EASEMENT

PME 40-2

OWNER: Taylor River Canyon, LLC

From: Station 18+837.558
To: Station 18+853.565

ASSESSOR'S PARCEL MAP NO. 3431-180-00-012

A permanent maintenance easement for drainage lying within a parcel of land described in deed recorded at Reception #583809, Gunnison County Recorder's Office, also known as Resultant Tract B, "Replat of Lots 7 & 8 of Whitewater Estates and Boundary Line Adjustment Plat of Gore Property", recorded at Reception #583315, and located in General Land Office (GLO) Tract 41, Independent Resurvey of Township 15 South, Range 83 West, 6th Principal Meridian, in Gunnison County, Colorado, and being more particularly described as follows:

Commencing at the Witness Corner for Angle Point (AP)2 GLO Tract 41, being a found iron post with GLO brass cap; thence South 73°54'46" East a distance of 552.470 meters (1812.56 feet) to a point on the northerly right-of-way of FHWA Project PFH 59-1(4) and on the southerly boundary of said parcel, being the Point of Beginning.

1) Thence North 09°47'14" East a distance of 6.788 meters (22.27 feet);

2) Thence South 80°12'46" East a distance of 15.000 meters (49.21 feet) to a point on the easterly boundary of said parcel;

3) Thence South 08°41'48" West along said easterly boundary a distance of 6.929 meters (22.73 feet) to the southeast corner of said parcel, also being a point on said northerly right-of-way;

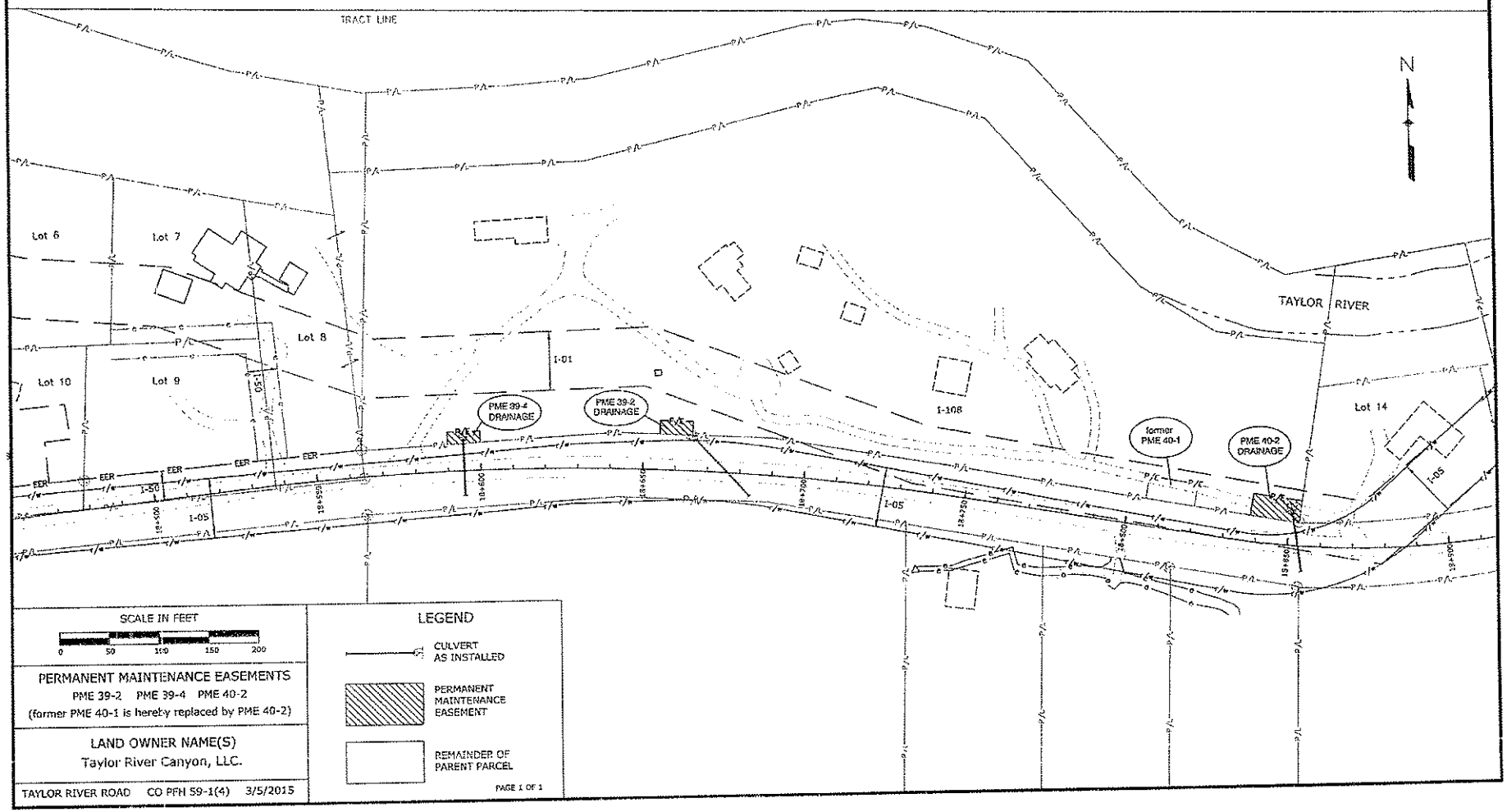
4) Thence North 79°40'42" West along said northerly right-of-way and southerly boundary of said parcel a distance of 15.132 meters (49.65 feet) to the Point of Beginning.

Containing 0.03 acres, more or less.

Note: For the purpose of this description the bearings are based on the West line of GLO Tract 41, T. 15 S., R. 83 W., 6th Principal Meridian. Said line was monumented by a found GLO brass cap on iron pipe at the Witness Corner for AP2 and a found GLO brass cap on iron pipe at AP3, and measured as being North 0°40'15" East.

This legal description was prepared by:
Terri A. Weber
North Star Surveying, Inc.
P.O. Box 668
Gunnison, CO 81230

EXHIBIT "B"


GUNNISON NATIONAL FOREST
TRACT LINE
N
Lot 6
Lot 7
Lot 8
Lot 9
Lot 10
Lot 14
TAYLOR RIVER
I-01
I-50
I-05
I-108
PME 39-4 DRAINAGE
PME 39-2 DRAINAGE
former PME 40-1
PME 40-2 DRAINAGE
EER
SCALE IN FEET
0 50 100 150 200
PERMANENT MAINTENANCE EASEMENTS
PME 39-2 PME 39-4 PME 40-2
(former PME 40-1 is hereby replaced by PME 40-2)
LAND OWNER NAME(S)
Taylor River Canyon, LLC.
TAYLOR RIVER ROAD CO PFH 59-1(4) 3/5/2015
LEGEND
CULVERT AS INSTALLED
PERMANENT MAINTENANCE EASEMENT
REMAINDER OF PARENT PARCEL
PAGE 1 OF 1