AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Fence Line Agreement; Crystal Creek Homeowners Ass

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement: BOCC and Crystal Creek Homeowners Association

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

Summary:

During the realignment of Taylor River Road certain agreements were made with property owners regarding fence locations. Attached please find a Fence Line Agreement with Crystal Creek Homeowners Association memorializing such agreement.

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 4/23/15

Reveiwed by: Discharge Date: 4/28/2015 Certificate of Insurance Required Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 4/29/2015

◉ Consent Agenda ○ Regular Agenda ○ Worksession Time Allotted:

Agenda Date: 5/5/2015

Revised April 2015

FENCE LINE AGREEMENT

THIS FENCE LINE AGREEMENT (herein "Agreement") is entered into this 18 day of April, 2015, by and between the BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO whose address is 200 E. Virginia, Gunnison, Colorado 81230 (herein "Gunnison County") and CRYSTAL CREEK HOMEOWNERS ASSOCIATION, a Colorado corporation, whose address is 12500 County Road 742, Almont, Colorado 81210 (herein "Owner").

RECITALS

WHEREAS, the Taylor River Road a/k/a County Road 742 (herein "Taylor River Road") has been reconstructed and realigned to upgrade the roadway and to provide for, among other benefits, a safer travel route for the public; and

WHEREAS, during the realignment of Taylor River Road certain fencing (herein "New Fencing") was installed on the Owner's real property along Taylor River Road as it crosses those areas identified as "Common Areas" indicated on the plat titled "Crystal Creek Subdivision, Replat of Taylor Park Subdivision Township 15 South, Range 83 West, 6th Principal Meridian, Gunnison County, State of Colorado" recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on September 7, 1988 bearing Reception No: 409486 (herein "Real Property"); and

WHEREAS, Gunnison County and Owner(s) intend to acknowledge and clarify the purpose of said New Fencing in this Agreement.

AGREEMENT

NOW, THEREFORE, in consideration of the recitals above which are valuable and adequate and the terms of understanding below, Gunnison County and Owner agree to the following:

1. The location and alignment of New Fencing as it crosses the Real Property does not indicate or identify a right of way, easement or the property line of the Real Property.

2. Gunnison County and Owner have agreed upon the location of the fencing across the Real Property for the purpose of:

    A. Allowing for additional setback for snow removal reasons; and

    B. Protection of fencing; and

    C. Livestock containment and/or control.

3. This Agreement contains the entire final agreement between the parties hereto with respect to the subject matter herein, and supersedes any and all prior agreements, proposals, negotiations and representations pertaining to the subject matter herein.

4. This Agreement shall be binding upon and inure to the benefit of the heirs, personal representatives, successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date set forth above.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

By: _____
Paula Swenson, Chairperson

ATTEST:

_____
Deputy County Clerk

CRYSTAL CREEK HOMEOWNERS ASSOCIATION, INC.,
a Colorado corporation

By: Charles B Vader