AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Boundary Line Adjustment; Ron Watson, and Ben and

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement:

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

Summary:

Boundary Line Adjustment for Commerford and Watson in the SW1/4SW1/4, Section 33, 51 N, 1 E

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:

Reveiwed by: Discharge Date: 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: 5 Minutes

Agenda Date: 5/5/2015

Contract Distribution:

Gunnison County, CO
Community Development Department
221 N. Wisconsin St. Ste. D, Gunnison, CO 81230
Phone: (970) 641-0360 FAX: (970) 641-8585
Website: www.gunnisoncounty.org
Email: planning@gunnisoncounty.org

To: Russ Forrest

From: Cathie Pagano

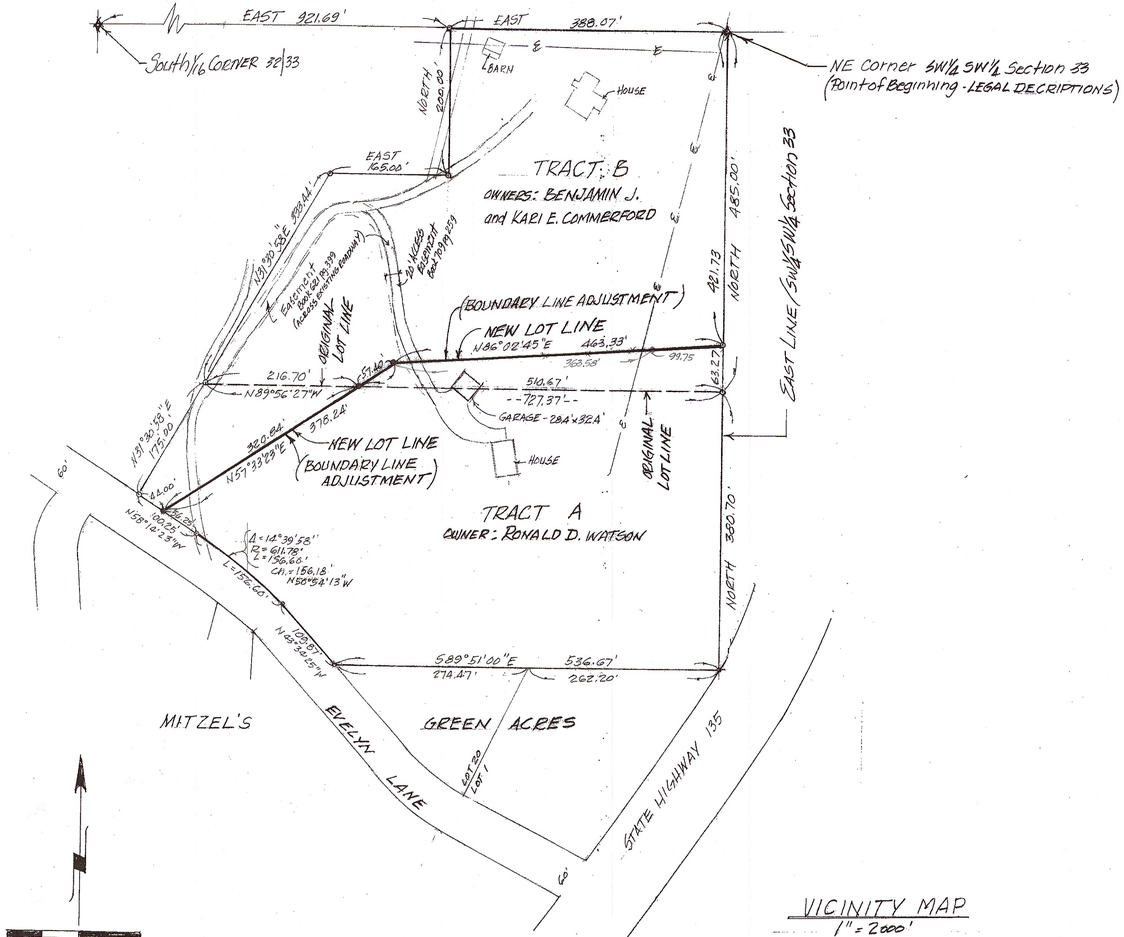
Date: April 27, 2015

Re: Watson Commerford Boundary Line Adjustment

Ron Watson and Ben and Kari Commerford have applied for a boundary line adjustment. Mr. Watson has constructed a garage on his parcel relying on an Improvement Location Certificate (ILC) for property line location. The ILC indicated that a fenceline was the property line which was incorrect resulting in the garage encroaching on the Commerford parcel. The owners seek to adjust the boundary line to locate the garage wholly on Watson's parcel.

Staff and County Attorney Baumgarten have reviewed the plat and find that it is compliance with the Gunnison County *Land Use Resolution* and recommend approval. Please let me know if you have any questions. Thanks.

BOUNDARY LINE ADJUSTMENT



LEGEND

● ---- Indicates - set rebar & cap LS 30105

✡ ---- Indicates - Fd 3" Al.Cap - BLM

BASIS OF BEARINGS

The East Line of the SW1/4 SW1/4 of Section 33, T51N, R1E, NMPM (NORTH)

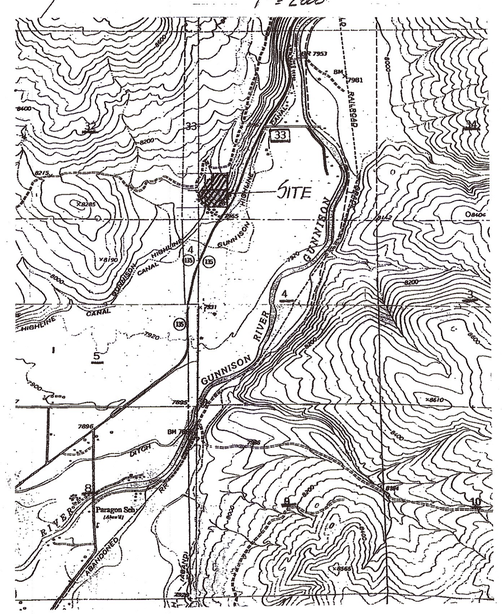
SURVEYOR'S CERTIFICATE

I, Don M. Maimone, a duly registered Land Surveyor in the State of Colorado, do hereby Certify that the survey shown hereon was prepared under my supervision and is true and accurate to the best of my knowledge.

Date: _____

_____
Don M. Maimone PLS 30105

VICINITY MAP
1" = 2000'



TRACT A

LEGAL DESCRIPTION

A Tract of land located in the Southwest Quarter of the Southwest Quarter of Section 33, Township 51 North, Range 1 East, NMPM in Gunnison County, Colorado, more particularly described as follows;

Beginning at the Northeast corner of said SW1/4 of the SW1/4 of Section 33;
thence South along the East line of said SW1/4 of the SW1/4 of Section 33, a distance of 421.73 feet to the TRUE POINT OF BEGINNING;

thence South continuing along said East line, a distance of 443.97 feet to the Northeast corner of Lot 1, Mitzel's Green Acres Subdivision, Reception No. 324852;
thence North 89°51'00" West, along the North line of said Subdivision, a distance of 536.67 feet to the North right of way line of Evelyn Lane;
thence North 43°34'25" West along said North right of way line, a distance of 109.87 feet to the beginning of a tangent curve concave Southerly and having a radius of 611.78 feet;
thence Northwesterly along said curve through a central angle of 14°39'58", an arc length of 156.60 feet (a chord bears North 50°54'13" West, a distance of 156.18 feet);
thence, tangent to said curve, North 58°14'23" West, a distance of 56.25 feet;
thence North 57°33'23" East, leaving said North right of way line a distance of 378.24 feet;
thence North 86°02'45" East a distance of 463.33 feet to the TRUE POINT OF BEGINNING.

Containing 5.97 Acres.

TRACT B

LEGAL DESCRIPTION

A Tract of Land located in the Southwest Quarter of the Southwest quarter of Section 33, Township 51 North, Range 1 East, NMPM in Gunnison County,Colorado, more particularly described as follows;

Beginning at the Northeast corner of said SW1/4 of the SW1/4 of Section 33;
thence South, along the East line of said SW1/4 of the SW1/4 of Section 33, a distance of 421.73 feet;
thence South 86°02'45" West a distance of 463.33 feet;
thence South 57°33'23" West a distance of 378.24 feet to the North right of way line of Evelyn Lane;
thence North 58°14'23" West along said North right of way line, a distance of 44.00 feet;
thence North 31°30'58" East leaving said right of way line , a distance of 508,44 feet;
thence East a distance of 165.00 feet;
thence North a distance of 200.00 feet to the North line of said SW1/4 of the SW1/4 of Section 33;
thence East along said North line a distance of 388.07 to the Point of Beginning.

Containing 6.15 Acres.

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 Ronald D. Watson, as to his parcel as shown on this plat, and Benjamin J. Commerford and Kari E. Commerford, as to their parcel as shown on this plat, and is free and clear of all liens, defects, encumbrances, restrictions and reservations except as follows:

1. Reservations as contained in United States Patent recorded January 19, 1915 in Book 184 at Page 3;
2. Easement and right of way granted to Gunnison County Electric Association as set forth in instrument recorded April 27, 1973 in Book 452 at Page 239; and any and all assignments thereof or interests therein;
3. Non-exclusive easement for ingress and egress as described in Warranty Deed recorded in Book 592 at Page 751, and in Agreement for Easement recorded in Book 592 at Page 753, and any and all assignments thereof or interests therein;
4. Perpetual, non-exclusive easement to be used for ingress and egress granted to The First National Bank of Gunnison as set forth in instrument recorded September 6, 1985 in Book 621 at Page 399, and any and all assignments thereof or interests therein;
5. Easement as described in Quit Claim Deed recorded in Book 690 at Page 717, and re-recorded in Book 705 at Page 49;
6. Easement for ingress and egress granted to Dale W. Cordell and Evelyn M. Cordell as set forth in instrument recorded July 24, 1992 in Book 709 at Page 258, and any and all assignments thereof or interests therein;
7. Easement and right of way granted to Gunnison County Electric Association as set forth in instruments recorded August 9, 2001 at Reception No. 513203 and Reception No. 513214, and any and all assignments thereof or interests therein;
8. Deed of Trust executed by Benjamin J. Commerford and Kari E. Commerford, to the Public Trustee of Gunnison County, for the benefit of Susan Commerford, to secure an indebtedness of $200,000.00, and any other amounts and/or obligations secured thereby dated May 8, 2014, recorded May 8, 2014 at Reception No. 626654.
9. Real property taxes and assessments for the current year, a lien not yet due and payable.

Dated this ____ day of _____, 20___.

/s/ _____
Jacob A. With, Attorney-at-Law, #: 40546

BOUNDARY LINE ADJUSTMENT

for a Tract of Land Located in the SW1/4 of the SW1/4 of Section 33, Township 51 North, Range 1 East, NMPM, County of Gunnison, State of Colorado.

The undersigned agree that the boundary 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, as indicated.

Ronald D. Watson

_____

State of _____)
)
County of _____)

The foregoing instrument was acknowledged before me this ___ day of _____, 2015 by Ronald D. Watson.
Commission exp: _____

_____
Notary

Benjamin J. Commerford

_____

Kari E. Commerford

_____

State of _____)
)
County of _____)

The foregoing instrument was acknowledged before me this ___ day of _____, 2015 by Benjamin J. Commerford and Kari E. Commerford.
Commission exp: _____

_____
Notary

BOARD OF COUNTY COMMISSIONER'S APPROVAL

The within plat of the Boundary Line Adjustment is approved this _____ day of _____ A.D, 2015.

_____
Chairperson, Gunnison County Board of Commissioners

_____
Gunnison County Clerk and Recorder

GUNNISON COUNTY CLERK AND RECORDER'S ACCEPTANCE

This Survey was accepted for deposit in the Office of the Clerk and Recorder of Gunnison County on this ____ day of _____, A.D. 2015. Deposit Number _____
Time _____, Date _____

_____
Gunnison County Clerk and Recorder

LVC-15-0003