AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: First Amendment to Ground Lease Agreement; CCCente

Action Requested: County Manager Signature

Parties to the Agreement: CCCenterSeven,LLC and Gunnison County

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

Summary:

This amendment accomplishes two things. First, it adds a street address for the leasehold which is required by the State of Colorado. Secondly, it revises the legal description of the lot and the exhibit to show the gas line easement and the inclusion of 20 feet of Lot 8 into Lot 7 to replace the gas

Fiscal Impact: None

Submitted by: Marlene D. Crosby **Submitter's Email Address:** mcrosby@gunnisoncounty.org

Finance Review: ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ◉ Required ○ Not Required

Comments:
ok - gs

Reveiwed by: GUNCOUNTY1\gstuhr Discharge Date: 10/2/2015 Certificate of Insurance Required Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\khaase Discharge Date: 10/2/2015

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

Agenda Date: 10/6/2015

Revised April 2015

FIRST AMENDMENT TO GROUND LEASE AGREEMENT

WHEREAS, the Board of County Commissioners of Gunnison County, Colorado entered into a Ground Lease Agreement dated August 1, 2014, with CCCenterSeven, LLC, a Colorado limited liability company whose address is 535 River Front Road, Gunnison, Colorado 81230; and

WHEREAS, both parties agree to amend the Exhibits B-1 and B-2 presented in the Ground Lease Agreement dated August 1, 2014; and

WHEREAS, Exhibits B-1A and B-2A more accurately describe the leasehold changes resulting from utility easements and other leasehold changes; and

WHEREAS, the attached Exhibits B-1A and B-2A shall replace the Exhibits B-1 and B-2 presented in the Ground Lease Agreement dated August 1, 2014 ; and

WHEREAS, the attached Exhibit B-1A reflects a more accurate map of the leaseholds, structures on the leaseholds, and utility easements; and

WHEREAS, the attached Exhibit B-2A presents the updated legal description of leasehold 7, which is the subject of the ground lease agreement dated August 1, 2014, and furthermore states the legal description as:

Township 49 North, Range 1 West, New Mexico Principal Meridian.
Section 11: A Tract of land in the NE1/4NW1/4 more particularly described as follows:

Beginning at the southwest corner of a Parcel of land show and described as "Parcel B" on a Plat deposited as Land Survey Plat # 486 in the records of Gunnison County, from whence the north quarter corner of said Section 11 bears North 1*.19' 33" East 1322.35 feet; thence North 0* 11' 12" West 574.00 feet along the east boundary of said Parcel B; thence South 88* 55' 40" West 711.07 feet; thence North 1* 04' 20" West 436.28 feet to the Point of Beginning of the herein described Leasehold 7, thence hollowing courses:

1. South 88® 55' 40" West 484.97 feet;
2. North 5® 15' 37" East 226.38 feet;
3. North 88® 55' 40" East 410.00 feet;
4. South 1® 04' 20" East 225.00 feet to the Point of Beginning of the herein described Leasehold 7

This Leasehold contains 2.182 Acres more or less.

County of Gunnison,
State of Colorado.

Street Address of Leasehold:

103 Basin Park Drive
Gunnison, CO 81230; and

NOW, THEREFORE, in consideration of the mutual agreements included herein, the sufficiency of which is hereby acknowledged, the parties agree to amend the Ground Lease Agreement dated August 1, 2009 by stating following:

1. Both parties agree to amend the Exhibits B-1 and B-2 presented in the Ground Lease Agreement dated August 1, 2014.
2. Exhibits B-1A and B-2A more accurately describe the leasehold changes resulting from utility easements and other leasehold changes.

3. The attached Exhibit B-1A reflects a more accurate map of the leaseholds, structures on the leaseholds, and utility easements.
4. The attached Exhibit B-2A presents the updated legal description of leasehold 7, which is the subject of the ground lease agreement dated August 1, 2014, and furthermore states the legal description as:

Township 49 North, Range 1 West, New Mexico Principal Meridian.
Section 11: A Tract of land in the NE1/4NW1/4 more particularly described as follows:

Beginning at the southwest corner of a Parcel of land show and described as "Parcel B" on a Plat deposited as Land Survey Plat # 486 in the records of Gunnison County, from whence the north quarter corner of said Section 11 bears North 1* 19' 33" East 1322.35 feet; thence North 0* 11' 12" West 574.00 feet along the east boundary of said Parcel B; thence South 88* 55' 40" West 711.07 feet; thence North 1* 04' 20" West 436.28 feet to the Point of Beginning of the herein described Leasehold 7, thence hollowing courses:

1. South 88® 55' 40" West 484.97 feet;
2. North 5® 15' 37" East 226.38 feet;
3. North 88® 55' 40" East 410.00 feet;
4. South 1® 04' 20" East 225.00 feet to the Point of Beginning of the herein described Leasehold 7

This Leasehold contains 2.182 Acres more or less.

County of Gunnison,
State of Colorado.

Street Address of Leasehold:

103 Basin Park Drive
Gunnison, CO 81230

IN WITNESS WHEREOF, the parties have executed the Amendment to be effective as of April 1, 2013.

LESSOR:

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

By: _____
Matthew Birnie, County Manager

ATTEST:

_____
Deputy County Clerk

LESSEE:

CCCenterSeven, LLC,

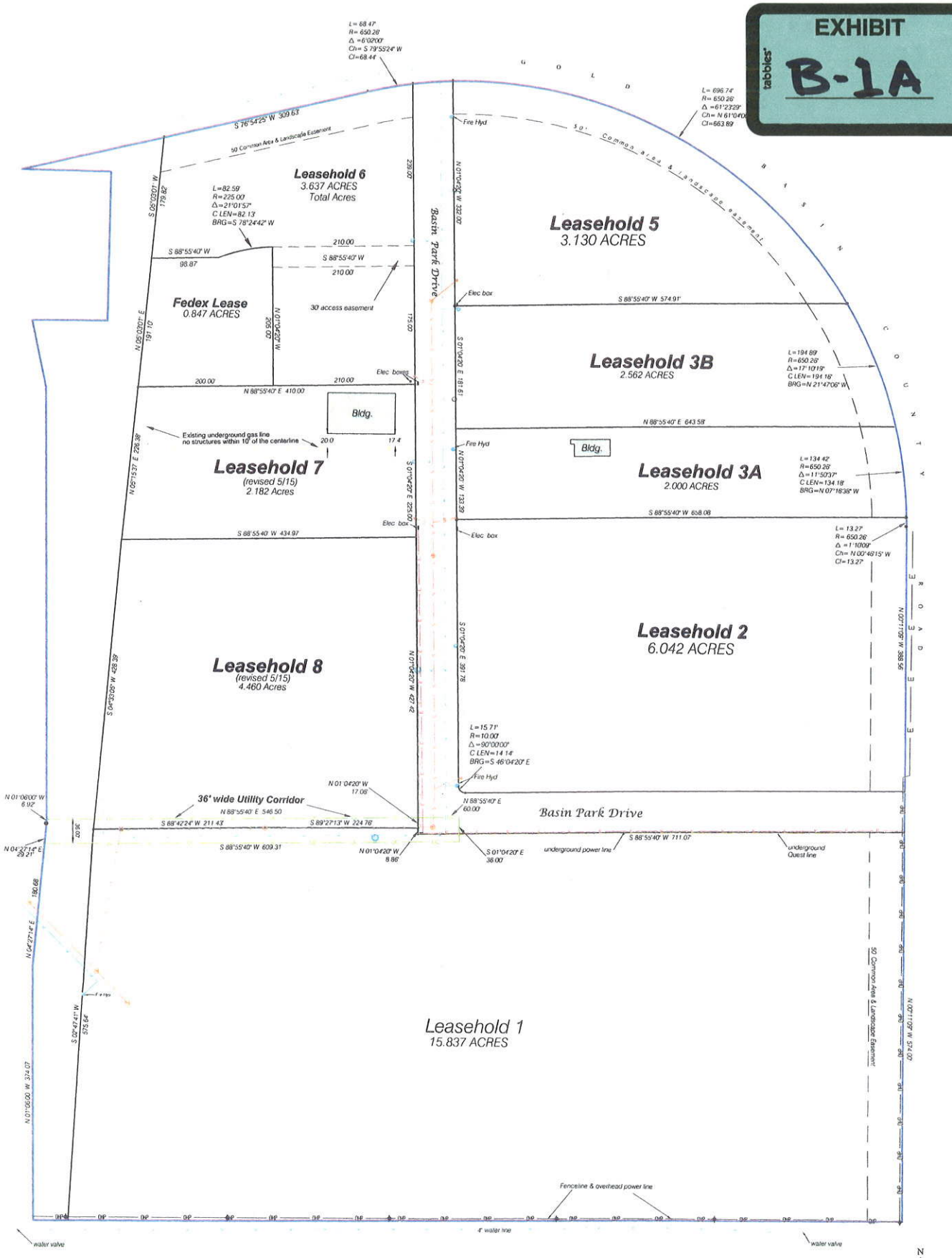
By: _____
Louis F. Costello, Member

CCCenterSeven, L.L.C.,

By: _____
Gary L. Fabiano, Member

EXHIBIT

B-1A



LEGEND

These standard symbols will be found in the drawing

- Gunnison County Property Boundary
- Leasehold Boundary
- Manhole
- Sewer Cleanout
- Water Valve
- Sewer Line
- Water Line
- Overhead power line
- Underground power line

General Notes:

1. The location of the boundary of the Gold Basin Industrial Park was established from a Plat of a survey by North Star Surveying done in July of 2005 and recorded as Land Survey Plat number 486 in the records of Gunnison County. Monuments as described on said Plat were surveyed and tied to and relied upon solely to establish the eternal boundary location of said Industrial Park.
2. This survey was done using RTK GPS receivers. The basis of bearing is rotated - 0° 00' 23" from Geodetic NORTH to conform with found monuments as described on Land Survey Plat number 486.
3. The contour interval is 1 foot with index contours every 5'. The datum used is NAVD 88. NGS brass cap C-424 was used as the vertical control with a published elevation of 7678.90'.
4. 3" diameter aluminum caps are set at the corner of the Leaseholds.

Surveyor's Certificate

I, George Hewitt, a registered Professional Land Surveyor in the State of Colorado, do hereby certify to Gunnison County, that this utility survey and Plat of the Gold Basin Industrial Park was made by me and is true and correct to the best of my knowledge.

George Hewitt, PLS # 23502
Alpine Surveying Inc.
PO Box 93
Gunnison, CO 81230
(970 641-2937

N W S

0 100

Scale 1" = 10

Gold Basin Indu		
DRAWN SH	DATE 4/30/15	
APPROVED	DATE	
SCALE 1" = 100	SHEET 1 of 1	PROJE 08010

EXHIBIT B-2A

Leasehold 7 - Legal Description – revised 4/15/15

Township 49 North, Range 1 West, New Mexico Principal Meridian.
Section 11: A Tract of land in the NE1/4NW1/4 more particularly described as follows:

Beginning at the southeast corner of a Parcel of land shown and described as "Parcel B" on a Plat deposited as Land Survey Plat # 486 in the records of Gunnison County, from whence the north quarter corner of said Section 11 bears North 1° 19' 33" East 1322.35 feet; thence North 0° 11' 12" West 574.00 feet along the east boundary of said Parcel B; thence South 88° 55' 40" West 711.07 feet; thence North 1° 04' 20" West 436.28 feet to the Point of Beginning of the herein described Leasehold 7, thence the following courses:

1. South 88° 55' 40" West 434.97 feet;
2. North 5° 15' 37" East 226.38 feet;
3. North 88° 55' 40" East 410.00 feet;
4. South 1° 04' 20" East 225.00 feet to the Point of Beginning of the herein described Leasehold 7.

This Leasehold contains 2.182 Acres more or less.

County of Gunnison,
State of Colorado.

Street Address of Leasehold:

103 Basin Park Drive
Gunnison, CO 81230

Leasehold 7 - Legal Description – revised 4/15/15

Township 49 North, Range 1 West, New Mexico Principal Meridian.
Section 11: A Tract of land in the NE1/4NW1/4 more particularly described as follows:

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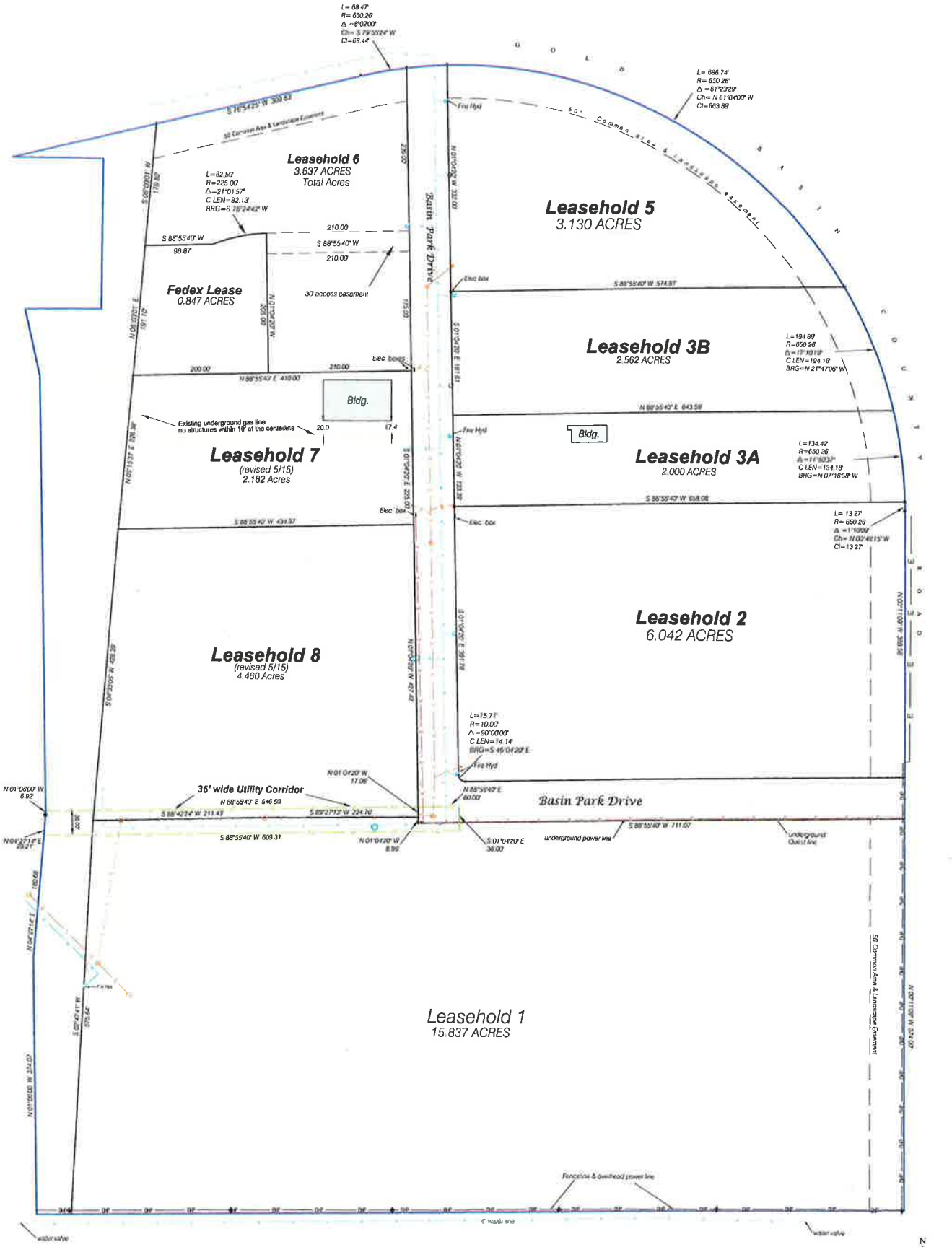
1. South 88° 55' 40" West 434.97 feet;
2. North 5° 15' 37" East 226.38 feet;
3. North 88° 55' 40" East 410.00 feet;
4. South 1° 04' 20" East 225.00 feet to the Point of Beginning of the herein described Leasehold 7.

This Leasehold contains 2.182 Acres more or less.

County of Gunnison,
State of Colorado.

Street Address of Leasehold:

103 Basin Park Drive
Gunnison, CO 81230



LEGEND

These standard symbols will be found in the drawing

- Gunnison County Property Boundary
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General Notes:

1. The location of the boundary of the Gold Basin Industrial Park was established from a Plat of a survey by North Star Surveying done in July of 2005 and recorded as Land Survey Plat number 486 in the records of Gunnison County. Monuments as described on said Plat were surveyed and tied to and relied upon solely to establish the eternal boundary location of said Industrial Park.
2. This survey was done using RTK GPS receivers. The basis of bearing is rotated - 0° 00' 23" from Geodetic NORTH to conform with found monuments as described on Land Survey Plat number 486.
3. The contour interval is 1 foot with index contours every 5'. The datum used is NAVD 88. NGS brass cap C-424 was used as the vertical control with a published elevation of 7678.90'.
4. 3" diameter aluminum caps are set at the corner of the Leaseholds.

Surveyor's Certificate

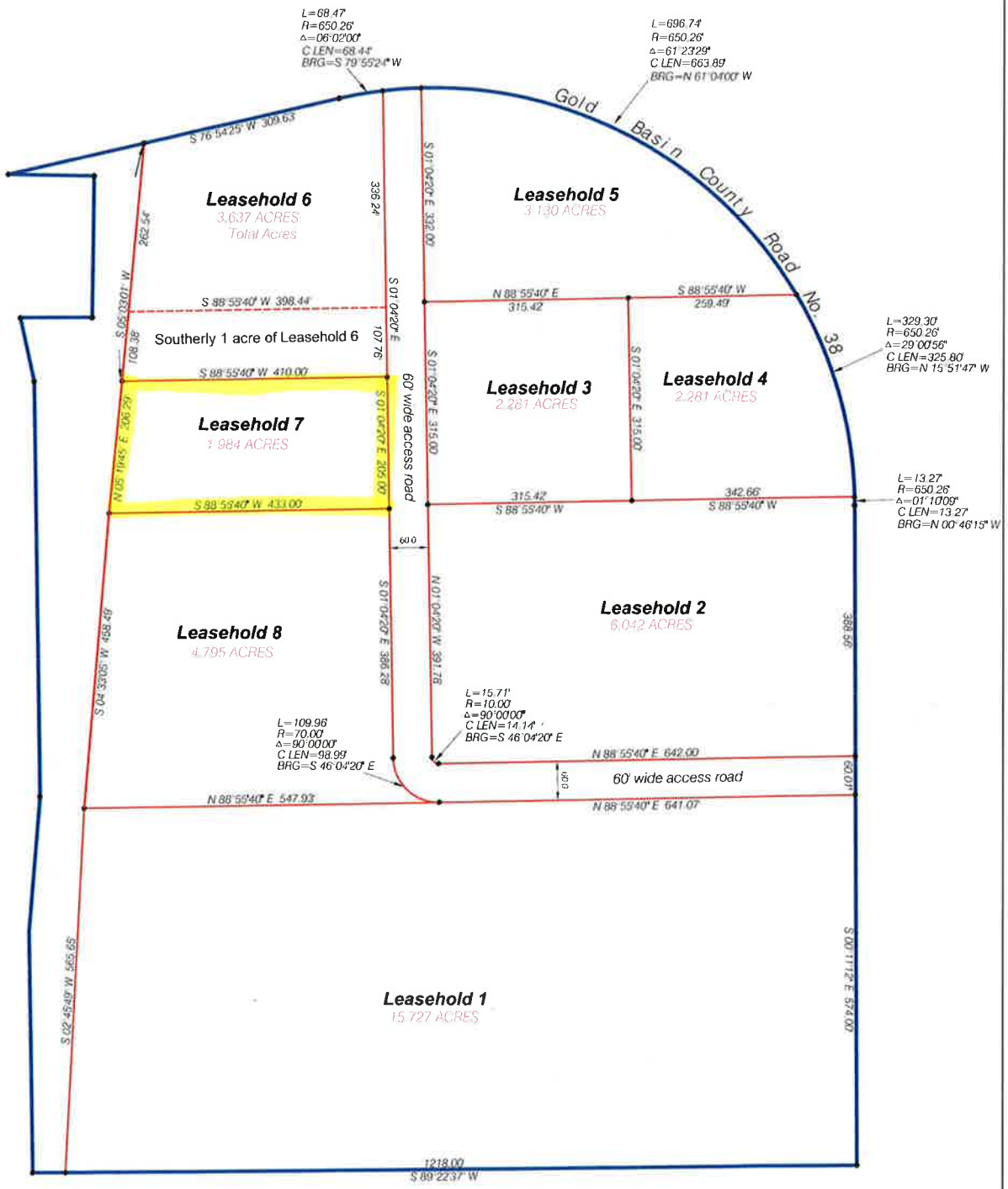
I, George Hewitt, a registered Professional Land Surveyor in the State of Colorado, do hereby certify to Gunnison County, that this utility survey and Plat of the Gold Basin Industrial Park was made by me and is true and correct to the best of my knowledge.

George Hewitt, PLS # 23502
Alpine Surveying Inc.
PO Box 93
Gunnison, CO 81230
(970 641-2937

Gold Basin Indu

DRAWN SH	DATE 4/30/15	
APPROVED	DATE	
SCALE 1" = 100	SHEET 1 of 1	PROJE 08010

Exhibit B-1



Gold Basin Industrial Park

DRAWN SH	DATE 8/4/08	Lot lease layout as of 8/4/08
APPROVED	DATE	
SCALE Not to Scale	SHEET 1 of 1	PROJECT NO. 08010

Prepared by:
Alpine Surveying Inc.
PO Box 93
Gunnison, CO 81230
(970) 641-2937

Lot 7 - Legal Description

Township 49 North, Range 1 West, New Mexico Principal Meridian.
Section 11: A Tract of land in the NE1/4NW1/4 more particularly described as follows:

Beginning at the southeast corner of a Parcel of land shown and described as "Parcel B" on a Plat deposited as Land Survey Plat # 486 in the records of Gunnison County, from whence the north quarter corner of said Section 11 bears North 1° 19' 33" East 1322.35 feet; thence North 0° 11' 12" West 574.00 feet along the east boundary of said Parcel B; thence South 88° 55' 40" West 641.07 feet; thence 109.96 feet along the arc of a curve to the right, said curve having a radius of 70.00 feet, a central angle of 90° 00' 00" and a chord which bears North 46° 04' 20" West, 98.99 feet; thence North 1° 04' 20" West 386.28 feet to the Point of Beginning of the herein described Lot 7, thence the following courses:

1. South 88° 55' 40" West 433.00 feet;
2. North 5° 19' 45" East 206.29 feet;
3. North 88° 55' 40" East 410.00 feet;
4. South 1° 04' 20" East 205.00 feet to the Point of Beginning of the herein described Lot 7.

This Lot contains 1.984 Acres more or less.
County of Gunnison,
State of Colorado.

COLORADO REGISTERED
GEORGE HEWITT
23502
PROFESSIONAL LAND SURVEYOR