AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: First Amendment to Amended and Restated Declaratio

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement:

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

Summary:

First Amendment To Amended And Restated Declaration Of Protective Covenants OF Mountain Meadows Subdivision; Consideration and possible approval

Fiscal Impact:

Submitted by: Laura Seymour for David Baumgarten **Submitter's Email Address:** lseymour@gunnisoncounty.org

Finance Review: ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ◉ Required ○ Not Required

Comments:
ok db 3/28/16 This document was created by the two owners of 100% of the property covered by the covenants. They want to delete certain of the property from the area that is subject to the covenants. The covenants require BOCC approval for that deletion. Comm. Dev. raises no issues; I raise no issues and suggest approval. Thank you. db

Reveiwed by: Discharge Date: 3/29/2016 Certificate of Insurance Required

Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 4/1/2016

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

Agenda Date: 4/5/2016

Revised April 2015

After recording return to:
R. Dillon Waggoner
Gunnison County Abstract Company
504 N. Main Street
Gunnison, CO 81230

FIRST AMENDMENT TO AMENDED AND RESTATED DECLARATION OF PROTECTIVE COVENANTS OF MOUNTAIN MEADOWS SUBDIVISION

("FIRST AMENDMENT")

RECITALS

WHEREAS, on November 3, 2009, MJM, Inc., a Colorado corporation, executed that certain AMENDED AND RESTATED DECLARATION OF PROTECTIVE COVENANTS OF MOUNTAIN MEADOWS SUBDIVISION, which was recorded in the public records of Gunnison County, Colorado on November 9, 2009 at Reception No. 595036 (the "COVENANTS");

WHEREAS, the Covenants affected that certain real property legally described as Parcel A, Fisher Subdivision, according to the Plat recorded December 6, 1999, bearing Reception No. 498177, County of Gunnison, State of Colorado (the "ORIGINAL PLAT"), which included "Parcel A", "Part of Parcel A", and "Parcel B";

WHEREAS, the Original Plat was replatted, corrected, or amended several times, the most current version entitled "Corrective Plat – Boundary Line Adjustment Lots 1 and 4, Replat of Mountain Meadows Subdivision & Parcel B, Fisher Subdivision, Gunnison County, Colorado," bearing Reception No. 632206, County of Gunnison, State of Colorado (the "CURRENT PLAT");

WHEREAS, the boundaries of Parcel B have been adjusted and its area expanded into areas formerly within Parcel A, which are within the area affected by the Covenants;

WHEREAS, the remaining area of Parcel A has been subdivided into four lots, currently known as Resultant Lot 1, Lot 2, Lot 3, and Resultant Lot 4 (collectively, "MOUNTAIN MEADOWS"), such that there is no Parcel A shown on the Current Plat;

WHEREAS, Mountain Meadows is currently owned by MJM, Inc., and Resultant Parcel B is currently owned by 233 County Road LLC (MJM, Inc. and 233 County Road LLC collectively referred to as the "Owners");

WHEREAS, no other property owners are affected by the Covenants;

WHEREAS, the Owners intend that the Covenants be applied only to Mountain Meadows, and not to any portion of Resultant Parcel B;

WHEREAS, as the owners of 100 percent of the property affected by the Covenants, the Owners consent to and execute this First Amendment; and

WHEREAS, pursuant to Section 12.4 of the Declaration, Gunnison County consents to this First Amendment.

NOW THEREFORE, the Declaration is amended as follows:

FIRST AMENDMENT

Section 1. EXHIBIT A is deleted in its entirety and replaced with the following:

EXHIBIT A
(Property)

Resultant Lot 1, Lot 2, Lot 3, and Resultant Lot 4, Corrective Plat – Boundary Line Adjustment Lots 1 and 4, Replat of Mountain Meadows Subdivision & Parcel B, Fisher Subdivision, Gunnison County, Colorado, recorded in the public records of the County of Gunnison, State of Colorado, on April 7, 2015 at Reception No. 632206.

Executed this ___ day of _____, _____ by:

MJM, Inc.,
a Colorado corporation

By: _____
Marilyn McGill,
its President

233 County Road LLC,
a Colorado limited liability company

By: _____
Marilyn McGill,
its Manager

State of Colorado }
} ss.
City and County of Denver }

The foregoing instrument was acknowledged before me this ___ day of _____, 2016, by Marilyn McGill, as the President of MJM, Inc., a Colorado corporation.

Witness my hand and official seal.
My commission expires:

_____
Notary Public

State of Colorado }
} ss.
City and County of Denver }

The foregoing instrument was acknowledged before me this __ day of _____, 2016, by Marilyn McGill as the Manager of 233 County Road LLC, a Colorado limited liability company.

Witness my hand and official seal.
My commission expires:

_____
Notary Public

CONSENT TO AMENDMENT

Pursuant to Section 12.4 of the Declaration, Gunnison County hereby consents to this First Amendment, this ___ day of _____, 2016:

By: _____
Paula Swenson,
Commissioner

By: _____
Jonathan Houck,
Commissioner

By: _____
Phil Chamberland,
Commissioner