AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Resolution; Approving an Addendum to Amendment to

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement:

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

Summary:

Please see the attached documentation and request from David Leinsdorf.

Fiscal Impact: None.

Submitted by: Katherine Haase for the CAO **Submitter's Email Address:** khaase@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: 5/20/2016 Certificate of Insurance Required

Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 5/31/2016

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

Agenda Date: 6/7/2016

Revised April 2015

DAVID LEINSDORF
ATTORNEY AT LAW

P.O. BOX 187, 215 ELK AVENUE
CRESTED BUTTE, CO 81224-0187
EMAIL: david81224@gmail.com

TELEPHONE: (970) 349-6111
FACSIMILE: (970) 349-6243

May 11, 2016

Board of County Commissioners
Gunnison County Courthouse
200 East Virginia Avenue
Gunnison, CO 81230

HAND DELIVERED

RE: Glacier Lily Estates

Dear Paula, Phil, and Jonathan:

Enclosed is an Addendum to Amendment to Declaration of Protective Covenants of Glacier Lily Estates recorded on the 11th day of May, 2016, as Reception No. 639343 in the office of the Gunnison County Clerk and Recorder. Also enclosed is a proposed Resolution for the Board of County Commissioners to approve the Addendum.

Please schedule this matter for Board consideration and let me know when it will be heard. If you record the Resolution after approval by the Board, there is no need to attach the recorded Addendum because its Reception Number in the office of the Gunnison County Clerk and Recorder appears in the Resolution.

Many thanks.

Best regards,

David Leinsdorf

DL:jmk

Cc w/out enclosures: Glacier Lily Association

Enclosures Addendum
Resolution

BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. _____ SERIES 2016

A RESOLUTION APPROVING AN ADDENDUM TO AMENDMENT TO THE DECLARATION OF PROTECTIVE COVENANTS OF GLACIER LILY ESTATES

WHEREAS, the Glacier Lily Association has submitted a request for approval of an Addendum to Amendment to Declaration of Protective Covenants of Glacier Lily Estates ("Addendum"); and

WHEREAS, the Addendum has received approval by the requisite number of lot owners specified in the Declaration of Protective Covenants of Glacier Lily Estates bearing Reception No. 385812, as extended by Resolution bearing Reception No. 630630 in the office of the Gunnison County Clerk and Recorder ("Declaration"); and

WHEREAS, the Addendum was recorded on May 11, 2016 as Reception No. 639343 in the office of the Gunnison County Clerk and Recorder; and

WHEREAS, Glacier Lily Estates is a subdivision approved by Gunnison County, and the Declaration provides that an amendment of the Declaration is not effective without Gunnison County approval;

NOW, THEREFORE, BE IT RESOLVED,

The Board of County Commissioners of Gunnison County, Colorado, hereby approves the Addendum to Declaration of Protective Covenants of Glacier Lily Estates recorded on May 11, 2016 as Reception No. 639343 in the office of the Gunnison County Clerk and Recorder.

THIS RESOLUTION and the approval granted hereby shall not be effective until recorded in the office of the Clerk and Recorder of Gunnison County.

INTRODUCED by Commissioner _____, seconded by Commissioner _____, and approved on this __ day of _____, 2016.

BOARD OF COUNTY COMMISSIONERS

_____	_____	_____
Paula Swenson, Chairperson	Jonathan Houck, Commissioner	Phil Chamberland, Commissioner

ATTEST:

_____
Gunnison County Clerk and Recorder

K Simillion Gunnison County, CO
5/11/2016 1:50:52 PM
135

ADDENDUM

TO

AMENDMENT TO DECLARATION OF PROTECTIVE COVENANTS

GLACIER LILY ESTATES

WHEREAS, the Declaration of Protective Covenants of Glacier Lily Estates was recorded January 15, 1985 as Reception No. 385812 in the office of the Gunnison County Clerk and Recorder ("Declaration"); and

WHEREAS, an Amendment to Declaration of Protective Covenants, Glacier Lily Estates, was recorded on December 28, 2015 as Reception No. 637210 in the office of the Gunnison County Clerk and Recorder ("Amendment"); and

WHEREAS, Colorado Revised Statutes § 38-33.3-217 provides that the Declaration may be amended by agreement of owners of lots to which 67% of the votes are allocated; and

WHEREAS, paragraph 2(A) of the Amendment provides:

> "**2. Restrictions on Rentals**. Effective January 1, 2018, the following are prohibited in Glacier Lily Estates on lots occupied by a renter or any person(s) not the owner of the lot:
>
> A. Renting a residence or caretaker's apartment for a period of less than 30 days or to a party exceeding 6 persons;"

NOW, THEREFORE, the undersigned hereby agree(s) that, upon the recording of Addenda containing these same provisions signed by not less than the owners of 67% of the lots within Glacier Lily Estates and the written consent of the Board of County Commissioners of Gunnison County, Colorado, paragraph 2(A) of the Amendment shall not apply to Lot 20 in Glacier Lily Estates ("Lot 20") until Marc J. Solari sells, conveys, assigns or transfers by operation of law, directly or indirectly, in whole or in part, any interest in Lot 20 to any other person or entity, at which time paragraph 2(A) shall apply to Lot 20.

Except as modified by this Addendum, the Declaration, as amended, is hereby reaffirmed and ratified.

The undersigned owner of Lot 1 in Glacier Lily Estates hereby signs this Addendum this 1st day of April, 2016.

THE MOFFITT REVOCABLE TRUST
DATED 4/27/2007

By: Kenneth S. Moffitt
Kenneth S. Moffitt, Trustee

Barbara K. Moffitt
Barbara K. Moffitt, Trustee

STATE OF Arizona)
) ss.
COUNTY OF Maricopa)

The foregoing Addendum was acknowledged before me this 1st day of April, 2016, by Kenneth S. Moffitt and Barbara K. Moffitt, Trustees of The Moffitt Revocable Trust dated 4/27/2007.

Witness my hand and official seal.
My commission expires: 02/04/2019

Notary Public

Joseph Barcenas
Notary Public - Arizona
Maricopa County
My Commission Expires
February 4, 2019

The undersigned owner of Lot 3 in Glacier Lily Estates hereby signs this Addendum this 5th day of April, 2016.

Thomas E. Murphy

Janet D. Murphy

STATE OF Ohio)
) ss.
COUNTY OF Hamilton)

The foregoing Addendum was acknowledged before me this 5th day of April, 2016, by Thomas E. Murphy and Janet D. Murphy.

Witness my hand and official seal.
My commission expires:

Notary Public

NOTARIAL SEAL
STATE OF OHIO

Linda R. Back
Notary Public, State of Ohio
My Commission Expires 06-22-2018

The undersigned owner of Lot 4 in Glacier Lily Estates hereby signs this Addendum this 19 day of April, 2016.

Kevin Olie Logan

Susan Monks Logan

STATE OF Florida)
) ss.
COUNTY OF Walton)

The foregoing Addendum was acknowledged before me this 19th day of April, 2016, by Kevin Olie Logan and Susan Monks Logan.

Witness my hand and official seal.
My commission expires:

Susan Forstman
Notary Public
State of Florida
My Commission Expires 04/30/2019
Commission No. FF 199648

Notary Public

The undersigned owner of Lot 5 in Glacier Lily Estates hereby signs this Addendum this 13th day of April, 2016.

RAD VENTURES SERIES LLC

By: _____
Ron Davidson, Member

_____
Amy Davidson, Member

STATE OF Texas)
) ss.
COUNTY OF Tarrant)

The foregoing Addendum was acknowledged before me this 13th day of April, 2016, by Ron Davidson and Amy Davidson, Members of RAD Ventures Series LLC.

Witness my hand and official seal.
My commission expires:

ANTONIO HARRIS
Notary Public
STATE OF TEXAS
My Comm. Exp. 07/21/2019

_____
Notary Public

The undersigned owner of Lot 6 in Glacier Lily Estates hereby signs this Addendum this 4 day of April, 2016.

COLVEY LIVING TRUST

By: Robert Gordon Colvey
Robert Gordon Colvey, Co-Trustee

Linda Lee Colvey
Linda Lee Colvey, Co-Trustee

STATE OF Colorado)
) ss.
COUNTY OF Gunnison)

The foregoing Addendum was acknowledged before me this 4 day of April, 2016, by Robert Gordon Colvey and Linda Lee Colvey, Co-Trustees of the Colvey Living Trust.

Witness my hand and official seal.
My commission expires: 7/29/2019

Brenda L Archer
Notary Public

BRENDA L ARCHER
Notary Public
State of Colorado
Notary ID 20024020716
My Commission Expires Jul 29, 2018

The undersigned owner of Lot 7 in Glacier Lily Estates hereby signs this Addendum this 4 day of April, 2016.

James Ward

Jennifer Ward

STATE OF Colorado)
) ss.
COUNTY OF Gunnison)

The foregoing Addendum was acknowledged before me this 4 day of April, 2016, by James Ward and Jennifer Ward.

Witness my hand and official seal.
My commission expires:

Notary Public

DAVID ALEXANDER KOSIN
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20134021692
MY COMMISSION EXPIRES MARCH 29, 2017

The undersigned owner of Lot 9 in Glacier Lily Estates hereby signs this Addendum this 29TH day of March, 2016.

ROGER A. DORF QPRT TRUST

By: Roger A. Dorf TTEE
Roger A. Dorf, Trustee

SANDRA M. DORF QPRT TRUST

By: Sandra M. Dorf TTEE
Sandra M. Dorf, Trustee

STATE OF Texas)
) ss.
COUNTY OF Dallas)

The foregoing Addendum was acknowledged before me this 29th day of March, 2016, by Roger A. Dorf, Trustee of the Roger A. Dorf QPRT Trust and Sandra M. Dorf, Trustee of the Sandra M. Dorf QPRT Trust.

Witness my hand and official seal.
My commission expires:

Notary Public

KENT KRUSE
Notary Public, State of Texas
My Commission Expires
September 02, 2018

The undersigned owner of Lot 10 in Glacier Lily Estates hereby signs this Addendum this 4th day of APRIL, 2016.

TIMOTHY J. FRETTHOLD TRUST OF 2012

By: _____
Timothy J. Fretthold, Trustee

CHRISTE S. FRETTHOLD TRUST OF 2012

By: _____
Christe S. Fretthold, Trustee

STATE OF Texas)
) ss.
COUNTY OF Bexar)

The foregoing Addendum was acknowledged before me this 4th day of April, 2016, by Timothy J. Fretthold, Trustee of the Timothy J. Fretthold Trust of 2012, and Christe S. Fretthold, Trustee of the Christe S. Fretthold Trust of 2012.

Witness my hand and official seal.
My commission expires:

_____
Notary Public

SAUL HERNANDEZ
Notary Public
STATE OF TEXAS
My Comm. Exp. 05-14-18

The undersigned owner of Lot 11 in Glacier Lily Estates hereby signs this Addendum this 1st day of April, 2016.

JOHN FERGUSON FAMILY TRUST

By: Carole A. Ferguson
Carol S. Ferguson, Trustee

STATE OF Tennessee)
) ss.
COUNTY OF Davidson)

The foregoing Addendum was acknowledged before me this 1st day of April, 2016, by Carol S. Ferguson, Trustee of the John Ferguson Family Trust.

Witness my hand and official seal.
My commission expires: June 21, 2016

Andrea J. Wilcoxen
Notary Public

ANDREA J. WILCOXEN
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY

The undersigned owner of Lot 12 in Glacier Lily Estates hereby signs this Addendum this 14 day of April, 2016.

Matthew Noel Wellner

Heather Marie Biery

STATE OF Colorado)
) ss.
COUNTY OF Gunnison)

The foregoing Addendum was acknowledged before me this 14th day of April, 2016, by Matthew Noel Wellner and Heather Marie Biery.

Witness my hand and official seal.
My commission expires:

Lynn M Singer
Notary Public

LYNN M SINGER
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID # 19924017855
MY COMMISSION EXPIRES MARCH 01, 2017

The undersigned owner of Lot 14 in Glacier Lily Estates hereby signs this Addendum this 1 day of April, 2016.

Donovan J. Nickel

Jewel D. Nickel

STATE OF Colorado)
) ss.
COUNTY OF Weld)

The foregoing Addendum was acknowledged before me this 1st day of April, 2016, by Donovan J. Nickel and Jewel D. Nickel.

Witness my hand and official seal.
My commission expires: 3-3-19

Notary Public

JEFFERY ROLAND
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20154008767
MY COMMISSION EXPIRES 3-3-2019

The undersigned owner of Lot 15 in Glacier Lily Estates hereby signs this Addendum this 28th day of March, 2016.

Lawrence F. Mosher

Lawrence F. Mosher

STATE OF Colorado)
) ss.
COUNTY OF Gunnison)

The foregoing Addendum was acknowledged before me this 28 day of March, 2016, by Lawrence F. Mosher.

Witness my hand and official seal.
My commission expires:
6/24/17

Laura A H Brodie

Notary Public

LAURA A H BRODIE
Notary Public
State of Colorado
Notary ID 19974011276
My Commission Expires Jun 24, 2017

The undersigned owner of Lot 16 in Glacier Lily Estates hereby signs this Addendum this 25 day of April, 2016.

JFK INVESTMENTS, LLC, a Colorado limited liability company

By: _____
J. Stan Johnson, Managing Member

STATE OF Texas)
) ss.
COUNTY OF Dallas)

The foregoing Addendum was acknowledged before me this 25 day of April, 2016, by J. Stan Johnson, Managing Member of JFK Investments, LLC, a Colorado limited liability company.

Witness my hand and official seal.
My commission expires:

MICHELLE OLVEDO
Notary Public, State of Texas
Comm. Expires 02-23-2019
Notary ID 1121504-4

_____
Notary Public

The undersigned owner of Lot 18 in Glacier Lily Estates hereby signs this Addendum this 25 day of April, 2016.

JOJ TRUST

By: _____
J. Stanford Johnson, Trustee

_____
~~Mark A. Oliver, Trustee~~

_____
~~William Ben Johnson, Trustee~~

STATE OF Texas)
) ss.
COUNTY OF Dallas)

The foregoing Addendum was acknowledged before me this 25 day of April, 2016, by J. Stanford Johnson, Trustee of the JOJ Trust.

Witness my hand and official seal.
My commission expires:

MICHELLE OLVEDO
Notary Public, State of Texas
Comm. Expires 02-23-2019
Notary ID 1121504-4

_____
Notary Public

STATE OF _____)
) ss.
COUNTY OF _____)

The foregoing Addendum was acknowledged before me this _____ day of _____, 2016, by Mark A. Oliver, Trustee of the JOJ Trust.

Witness my hand and official seal.
My commission expires:

_____
Notary Public

The undersigned owner of Lot 19 in Glacier Lily Estates hereby signs this Addendum this 2nd day of May, 2016.

LOVDEN'S CRESTED BUTTE REVOCABLE MANAGEMENT TRUST

By: _____
Stephen Todd Loden, Trustee

_____
Larry Dean Lovins, Trustee

Signature of one trustee is sufficient for all transactions other than disposal of real property. STL

STATE OF TEXAS)
) ss.
COUNTY OF HARRIS)

The foregoing Addendum was acknowledged before me this 2nd day of MAY, 2016, by Stephen Todd Loden, Trustee of the Lovden's Crested Butte Revocable Management Trust.

Witness my hand and official seal.
My commission expires:

MARY A. PRICE
Notary Public, State of Texas
Comm. Expires 09-20-2018
Notary ID 5992429

_____
Notary Public

STATE OF _____)
) ss.
COUNTY OF _____)

The foregoing Addendum was acknowledged before me this _____ day of _____, 2016, by Larry Dean Lovins, Trustee of the Lovden's Crested Butte Revocable Management Trust.

Witness my hand and official seal.
My commission expires:

_____
Notary Public

The undersigned owner of Lot 20 in Glacier Lily Estates hereby signs this Addendum this 11th day of April, 2016.

Marc J. Solari

STATE OF Colorado)
) ss.
COUNTY OF Gunnison)

The foregoing Addendum was acknowledged before me this 11th day of April, 2016, by Marc J. Solari.

Witness my hand and official seal.
My commission expires: June 15, 2019

Notary Public

JACOB KAULIKE
Notary Public
State of Colorado
Notary ID 20154023426
My Commission Expires Jun 15, 2019

The undersigned owner of Lot 21 in Glacier Lily Estates hereby signs this Addendum this 18 day of April, 2016.

RAYMOND M. BRIGGS CHILDRENS TRUST

By: _____
Trustee

STATE OF OK.)
) ss.
COUNTY OF Tulsa)

The foregoing Addendum was acknowledged before me this 18TH day of April, 2016, by Raymond M. Briggs Trustee of the Raymond M. Briggs Childrens Trust.

Witness my hand and official seal.
My commission expires:
June 19, 2017

_____
Notary Public
01009922