AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

AgendaTitle:
Boundary Line Adjustment; Meissner/McMahon, Bush Ventures and Headlee Properties

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement:

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

Summary:
Boundary line adjustment application review for McMahon/Meissner, Headlee, and Bush Ventures LLC

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:

Reviewed by: Discharge Date: Certificate of Insurance Required Yes ○ No ○

County Manager Review:

Comments:

Reviewed by: GUNCOUNTY1\mbirnie Discharge Date: 6/23/2014

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

Agenda Date: 7/1/2014 Follow Up Agenda Date:

Revised April 2013

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/planning.html
Email: planning@gunnisoncounty.org

To: BOCC

From: Cathie Pagano

Date: June 20, 2014

Re: Meissner/McMahon, Bush Ventures, and Headlee Boundary line adjustment

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The Meissner/McMahon family, Headlees, and Bush Venture LLC have applied for a boundary line adjustment. The applicants are seeking a boundary line adjustment between their three parcels. The Headlee and Bush Venture parcels will both obtain more acreage from the Meissner parcel. The application is in compliance with the standards of the Gunnison County Land Use Resolution. Thanks.

PLAT OF

MEISSNER BOUNDARY LINE ADJUSTMENT

GUNNISON COUNTY, COLORADO

LOCATED WITHIN
THE SE1/4 NE1/4 SECTION 28
T15S, R84W OF THE 6TH P.M.

ATTORNEY'S OPINION:

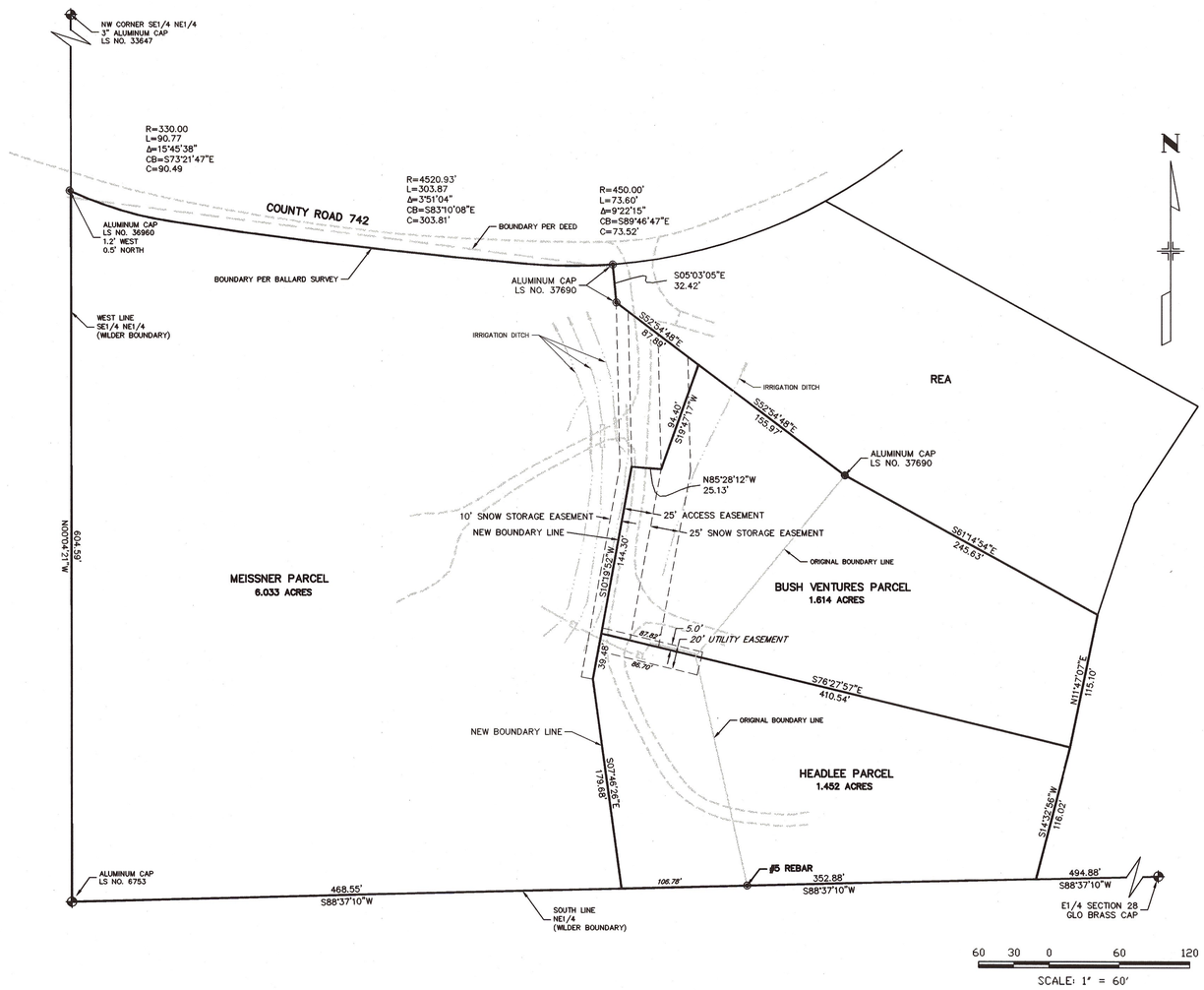
I, Jill T. Norris, an attorney at law duly licensed to practice in the State of Colorado, hereby certify that I have examined title to all lands herein dedicated and subdivided. Such title is vested in Meike Kathrin Meissner, Michael Francis McMahon, Uwe Meissner, Bush Venture, a Joint Venture, and James E. Headlee, and is free and clear of all liens, defects, encumbrances, restrictions and reservations except as follows:

1. Reservations or exceptions in Patents, or in Acts authorizing the issuance thereof, including the reservation of a right of way for ditches or canals constructed by the authority of the United States, as reserved in United States Patent recorded in Book 184 at Page 114 in the Office of the Clerk and Recorder of Gunnison County, Colorado.
2. Restriction contained in Warranty Deeds recorded in Book 331 at Page 230 and Reception No. 236458, in Book 347 at Page 73 as Reception No. 245450 and in Book 395 at Page 281 as Reception No. 270524 in the Office of the Clerk and Recorder of Gunnison County, Colorado.
3. Easement recorded in Book 382 at Page 182 as Reception No. 253759 in the Office of the Clerk and Recorder of Gunnison County, Colorado.
4. Easement recorded in Book 432 at Page 84 as Reception No. 285862 in the Office of the Clerk and Recorder of Gunnison County, Colorado.
5. Restrictions contained in the Deeds of Distribution recorded in Book 745 at Page 460 as Reception No. 451508, in Book 745 at Page 463 as Reception No. 451509 and in Book 745 at Page 466 as Reception No. 451510 in the Office of the Clerk and Recorder of Gunnison County, Colorado.
6. Certificate of Administrative Review recorded as Reception No. 574500 in the Office of the Clerk and Recorder of Gunnison County, Colorado.
7. Deed of Trust for the benefit of Gunhild Meissner and Uwe Meissner to secure $100,000.00, recorded as Reception No. 540877 in the Office of the Clerk and Recorder of Gunnison County, Colorado.
8. Deed of Trust for the benefit of Gunnison Savings & Loan Association recorded as Reception No. 577689 and as modified in the instrument recorded as Reception No. 608758 in the Office of the Clerk and Recorder of Gunnison County, Colorado .
9. Easement for Fishing purposes along the bank of the Taylor River as reserved in the deed recorded in Book 347 at page 72 in the Office of the Clerk and Recorder of Gunnison County, Colorado. (affects the Headlee Parcel)
10. Restrictions set forth in the deed recorded in Book 347 at page 72 in the Office of the Clerk and Recorder of Gunnison County, Colorado. (Affects the Headlee Parcel)
11. Easement for Fishing purposes along the bank of the Taylor River as reserved in the deed recorded in Book 579 at page 939 in the Office of the Clerk and Recorder of Gunnison County, Colorado. (affects the Bush Ventures Parcel)
12. Restrictions set forth in the deed recorded in Book 579 at page 939 in the Office of the Clerk and Recorder of Gunnison County, Colorado. (Affects the Bush Ventures Parcel)

Dated this _____ day of _____, 2014.

_____
Jill T. Norris, Attorney at Law
Attorney Registration No. 26464

O'Hayre, Dawson & Norris, P.C.
120 N. Taylor Street
Gunnison, Colorado 81230



NOTES:

1. BASIS OF BEARING: S88°37'10"E ALONG THE SOUTH LINE OF THE NE1/4 SECTION 28. SAID LINE BEING MONUMENTED BY AN ALUMINUM CAP LS NO. 6753 AND A GLO BRASS CAP.

2. ACCORDING TO COLORADO LAW YOU MUST COMMENCE LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATE SHOWN HEREON.

Meike Kathrin Meissner, Michael Francis McMahon and Uwe Meissner , for good and valuable consideration, hereby sell and convey to James E. Headlee, all of their right, title and interest in and to the HEADLEE PARCEL, as depicted hereon, with all appurtenances.

Meike Kathrin Meissner, Michael Francis McMahon and Uwe Meissner, for good and valuable consideration, hereby sell and convey to BUSH VENTURES, a Joint Venture, all of their right title and interest in and to the BUSH VENTURES PARCEL as depicted hereon, with all its appurtenances.

Executed this 19TH day of JUNE, 2014

Meike Kathrin Meissner

Michael Francis McMahon

Uwe Meissner

STATE OF COLORADO)
)ss.
County of Gunnison)

The foregoing instrument was acknowledged before me this 19TH day of JUNE, 2014, by Meike Kathrin Meissner and Michael Francis McMahon.

Witness my hand and official seal.
My commission expires: APRIL 23, 2017.

Brenda Williams
Notary Public

BRENDA LEE WILLIAMS
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID #20134026091
My Commission Expires April 23, 2017

STATE OF Washington
)ss.
County of Pierce)

The foregoing instrument was acknowledged before me this 13 day of JUNE, 2014, by Uwe Meissner.

Witness my hand and official seal.
My commission expires: 5/21/16

Notary Public

Notary Public
State of Washington
BRANDI K MAXWELL
My Appointment Expires May 21, 2016

CONSENT BY LENDER TO ABOVE CONVEYANCES:

GUNNISON SAVINGS AND LOAN ASSOCIATION

By: _____

Name: J. CRAIG BRYANT

Title: EXECUTIVE VICE PRESIDENT

STATE OF Colorado)
)ss.
County of GUNNISON)

The foregoing instrument was acknowledged before me this 19TH day of JUNE, 2014, by J. CRAIG BRYANT as E.V.P. of Gunnison Savings and Loan Association.

Witness my hand and official seal.
My commission expires: APRIL 23, 2017

Brenda Williams
Notary Public

BRENDA LEE WILLIAMS
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID #20134026091
My Commission Expires April 23, 2017

BOARD OF COUNTY COMMISSIONERS' APPROVAL.

The within plat of the boundary line adjustment (name of plat title in capital letters) is approved this _____ day of _____, A.D. 2014, _____.

_____
Chairperson, Gunnison County Board of Commissioners

Attest:

_____
Gunnison County Clerk and Recorder

LAND SURVEYOR'S STATEMENT

I, NORMAN C. WHITEHEAD, A REGISTERED LAND SURVEYOR IN THE STATE OF COLORADO, CERTIFY THAT THIS SURVEY WAS MADE UNDER MY DIRECTION AND CONTROL AND THAT THE SURVEY REFERRED TO HEREIN WAS MADE UNDER MY DIRECTION AND CONTROL AND THAT THE SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. THAT A TITLE SEARCH WAS NOT MADE BY ME TO DETERMINE OWNERSHIP, EASEMENTS OR RIGHTS-OF-WAY RECORDED OR UNRECORDED, EXCEPT AS SHOWN HEREON. MONUMENTS HAVE BEEN FOUND OR SET AS SHOWN ON THIS SURVEY.

DATED THIS 5TH DAY OF JUNE, A.D. 2014.

COLORADO LICENSED
NORMAN C. WHITEHEAD
27739
P.E. AND P.L.S.

_____
NORMAN C. WHITEHEAD
COLORADO P.L.S. NO. 27739

MEISSNER PARCEL

COMMENCING AT THE E1/4 SECTION 28; THENCE S88°37'10"W ALONG THE SOUTH LINE OF THE NE1/4 SECTION 28 A DISTANCE OF 494.88 FEET; THENCE CONTINUE S88°37'10"W ALONG SAID LINE A DISTANCE OF 352.88 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S88°37'10"W ALONG SAID LINE A DISTANCE OF 468.55 FEET; THENCE N00°04'21"W ALONG THE WEST LINE OF THE SE1/4 NE1/4 SECTION 28 A DISTANCE OF 604.59 FEET TO A POINT OF A NON-TANGENT CURVE TO THE LEFT SAID CURVE BEING THE RIGHT-OF-WAY LINE FOR COUNTY ROAD 742; THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING 3 COURSES 1) ALONG SAID CURVE AN ARC LENGTH OF 90.77 FEET, SAID CURVE HAVING A CENTRAL ANGLE OF 15°45'38", A RADIUS OF 330.00 FEET, A CHORD BEARING OF S73°21'47"E AND A CHORD DISTANCE OF 90.49 FEET TO A POINT OF COMPOUND CURVE TO THE LEFT; 2) ALONG SAID CURVE AN ARC LENGTH OF 303.87 FEET, SAID CURVE HAVING A CENTRAL ANGLE OF 3°51'04", A RADIUS OF 4,520.93 FEET, A CHORD BEARING OF S83°10'08"E AND A CHORD DISTANCE OF 303.81 FEET TO A POINT OF COMPOUND CURVE TO THE LEFT; 3) ALONG SAID CURVE AN ARC LENGTH OF 73.60 FEET, SAID CURVE HAVING A CENTRAL ANGLE OF 9°22'15", A RADIUS OF 450 FEET, A CHORD BEARING OF S89°46'47"E AND A CHORD DISTANCE OF 73.52 FEET; THENCE S05°03'05"E A DISTANCE OF 32.42 FEET; THENCE S52°54'48"E A DISTANCE OF 87.89 FEET; THENCE S19°47'17"W A DISTANCE OF 94.40 FEET; THENCE N85°28'12"W A DISTANCE OF 25.13 FEET; THENCE S10°19'52"W A DISTANCE OF 144.30 FEET; THENCE CONTINUE SOUTHERLY ALONG SAID LINE, A DISTANCE OF 39.48 FEET; THENCE S07°46'26"E A DISTANCE OF 179.68 FEET TO THE POINT OF BEGINNING.

CONTAINING 262,816 SQUARE FEET OR 6.033 ACRES, MORE OR LESS.

BUSH VENTURES PARCEL

COMMENCING AT THE E1/4 SECTION 28; THENCE S88°37'10"W ALONG THE SOUTH LINE IF THE NE1/4 SECTION 28 A DISTANCE OF 494.88 FEET; THENCE N14°32'56"E A DISTANCE OF 116.02 FEET TO THE POINT OF BEGINNING; THENCE N76°27'57"W A DISTANCE OF 410.54 FEET; THENCE N10°19'52"E A DISTANCE OF 144.30 FEET; THENCE S85°28'12"E A DISTANCE OF 25.13 FEET; THENCE N19°47'17"E A DISTANCE OF 94.40 FEET; THENCE S52°54'48"E A DISTANCE OF 155.97 FEET; THENCE S61°14'54"E A DISTANCE OF 245.63 FEET; THENCE S12°07'07"W A DISTANCE OF 115.10 FEET TO THE POINT OF BEGINNING.

CONTAINING 70,283 SQUARE FEET OR 1.614 ACRES, MORE OR LESS.

HEADLEE PARCEL

COMMENCING AT THE E1/4 SECTION 28; THENCE S88°37'10"W ALONG THE SOUTH LINE OF THE NE1/4 SECTION 28 A DISTANCE OF 494.88 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S88°37'10"W ALONG SAID LINE A DISTANCE OF 352.88 FEET; THENCE N07°45'26"W A DISTANCE OF 179.68 FEET; THENCE N10°19'52"E A DISTANCE OF 39.48 FEET; THENCE S76°27'57"E A DISTANCE OF 410.54 FEET; THENCE S14°32'56"W A DISTANCE OF 116.02 FEET TO THE POINT OF BEGINNING.

CONTAINING 63,237 SQUARE FEET OR 1.452 ACRES, MORE OR LESS.

GUNNISON COUNTY CLERK AND RECORDER'S ACCEPTANCE

This boundary line adjustment plat was accepted for filing in the office of the Clerk and Recorder of Gunnison County, Colorado,

on this _____ day of _____, A.D. 2014

Reception Number _____, Time _____, Date _____.

_____
Gunnison County Clerk and Recorder

MEISSNER BOUNDARY LINE ADJUSTMENT
GUNNISON COUNTY, COLORADO

LOCATED WITHIN
THE SE1/4 NE1/4 SECTION 28
T15S, R84W OF THE 6TH P.M.

Prepared By:
NCW & Associates, Inc.
P.O. Box 3688 Crested Butte
(970) 349-6384 Colorado 81224

PROJECT: BND	DWG.: 12105.00
DATE: 6/2/14	SHEET 1 OF 1