AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Public Hearing; Petition to Vacate a Portion of De

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement:

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

Summary:

Approve/Deny street vacation request in the Marble Ski Area Crystal River Filing as petitioned by Sherri Rubin on behalf of Billy Burke

Fiscal Impact: Applicant will pay fee and all costs

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 db 4/15/16

Reveiwed by: GUNCOUNTY1\dBaumgarten Discharge Date: 4/15/2016 Certificate of Insurance Required Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 4/15/2016

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

Agenda Date: 4/19/2016

Revised April 2015

NOTICE OF PUBLIC HEARING

REGARDING PETITION TO VACATE A PORTION OF DEER LANE, INCLUDING CUL DE SAC, LYING WITHIN MARBLE SKI AREA, CRYSTAL RIVER FILING, GUNNISON COUNTY, COLORADO

The Board of County Commissioners of Gunnison County, Colorado, will hold a public hearing regarding the petition filed by Billy Burke to vacate a portion of Deer Lane, including cul-de-sac, lying within Marble Ski Area, Crystal River Filing, within the County of Gunnison, State of Colorado and described as follows:

> That portion of Deer Lane, including the cul-de-sac, lying adjacent to Lots 43 through 53, Block 1, Marble Ski Area, Crystal River Filing, as identified on the plat titled "Plat of Marble Ski Area Crystal River Filing Gunnison County, Colorado" recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado at Reception No: 282561, and lying adjacent to Lot 5 as identified on the plat titled "Amended Plat of Lot 54 through 64 & 122, Block 1 and Lots 68 through 73 & 78 through 86, Block 2 and Vacation of a Portion of Deer Trail, Fawn Drive and Antlers Bluff, Marble Ski Area Crystal River Filing Gunnison County, Colorado" recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado at Reception No. 590513, and as identified on the plat title " Amended Plat of Lots 36-39 and Lots 41-53, Block 1 and Vacation of Deer Lane, Marble Ski Area, Crystal River Filing and Lot 5 of the Amended Plat of Lot 54 through 64 & 122, Block 1 and Lots 68 through 73 & 78 through 86, Block 2 and Vacation of a Portion of Deer Trail, Fawn Drive & Antlers Bluff, Marble Ski Area Crystal River Filing Gunnison County, Colorado", a copy of which may be reviewed at the Gunnison County Public Works Department.

The public hearing will be held on **Tuesday, April 19, 2016, at 9:10 a.m. at the Commissioners Room, Gunnison County Courthouse, 200 East Virginia Avenue, Gunnison, Colorado.** The public is invited to attend and participate.

DATED: March 16, 2016

Marlene D. Crosby

Marlene D. Crosby
Gunnison County Public Works Director

Gunnison Country Times: Publish as a Legal Notice in publications of March 24, 2016 and March 31, 2016

AMENDED PLAT OF LOTS 36-39 AND LOTS 41-53, BLOCK 1 AND VACATION OF DEER LANE, MARBLE SKI AREA, CRYSTAL RIVER FILING
AND
LOT 5 OF THE AMENDED PLAT OF LOT 54 THROUGH 64 & 122, BLOCK 1 AND LOTS 68 THROUGH 73 & 78 THROUGH 86, BLOCK 2 AND VACATION OF A PORTION OF DEER TRAIL, FAWN DRIVE & ANTLERS BLUFF, MARBLE SKI AREA CRYSTAL RIVER FILING, GUNNISON COUNTY, COLORADO

ATTORNEY'S OPINION

I, WILLIAM TRENT PALMER, AN ATTORNEY AT LAW DULY LICENSED TO PRACTICE IN THE STATE OF COLORADO, HEREBY CERTIFY THAT I HAVE EXAMINED TITLE TO ALL LANDS WHICH ARE DESCRIBED OF THE WITHIN AMENDED PLAT OF LOTS 36-39 AND LOTS 41-53, BLOCK 1 AND VACATION OF DEER LANE, MARBLE SKI AREA, CRYSTAL RIVER FILING AND LOT 5 OF THE AMENDED PLAT OF LOT 54 THROUGH 64 & 122, BLOCK 1 AND LOTS 68 THROUGH 73 & 78 THROUGH 86, BLOCK 2 AND VACATION OF A PORTION OF DEER TRAIL, FAWN DRIVE & ANTLERS BLUFF, MARBLE SKI AREA CRYSTAL RIVER FILING. SUCH TITLE IS VESTED IN THE NAME OF BILLY R. BURKE A/K/A BILLY BURKE AND SHARON K. BURKE, AND IS FREE AND CLEAR OF ALL LIENS, ENCUMBRANCES, RESTRICTIONS AND RESERVATIONS EXCEPT AS FOLLOWS:

1. ANY FACTS, RIGHTS, INTERESTS, OR CLAIMS WHICH ARE NOT SHOWN BY THE PUBLIC RECORDS BUT WHICH COULD BE ASCERTAINED BY AN INSPECTION OF SAID LAND OR BY MAKING INQUIRY OF PERSONS IN POSSESSION THEREOF.
2. EASEMENTS, CLAIMS OF EASEMENTS OR ENCUMBRANCES WHICH ARE NOT SHOWN BY THE PUBLIC RECORDS.
3. DISCREPANCIES, CONFLICTS IN BOUNDARY LINES, SHORTAGE IN AREA, ENCROACHMENTS, OR BY OTHER FACTS WHICH A CORRECT SURVEY WOULD DISCLOSE, AND WHICH ARE NOT SHOWN BY PUBLIC RECORDS.
4. ANY LIEN OR RIGHT TO A LIEN, FOR SERVICE, LABOR OR MATERIAL HERETOFORE OR HEREAFTER FURNISHED, IMPOSED BY LAW AND NOT SHOWN BY THE PUBLIC RECORDS.
5. ANY WATER RIGHTS OR CLAIMS OR TITLE TO WATER, IN, OR UNDER THE LAND.
6. THE FOLLOWING RESERVATIONS AS CONTAINED IN THE UNITED STATES PATENT:
   A. THE RIGHT OF PROPRIETOR OF A VEIN OR LODE TO EXTRACT AND REMOVE HIS ORE THEREFROM SHOULD THE SAME BE FOUND TO PENETRATE OR INTERSECT THE PREMISES HEREBY GRANTED, AS PROVIDED BY LAW AND RECORDED AT BOOK 101, PAGE 100 AND BOOK 184, PAGE 383 IN THE OFFICE OF THE GUNNISON COUNTY CLERK AND RECORDER.
   B. A RIGHT OF WAY FOR DITCHES OR CANALS CONSTRUCTED BY THE AUTHORITY OF THE UNITED STATES.
7. RESERVATIONS OR EXCEPTIONS AS SET FORTH IN A DEED RECORDED MARCH 26, 1956 AND RECORDED IN BOOK 294, PAGE 468 IN THE OFFICE OF THE GUNNISON COUNTY CLERK AND RECORDER.
8. RIGHT OF WAY FOR ROAD PURPOSES AS CONVEYED BY DEED RECORDED IN BOOK 389, PAGE 93 IN THE OFFICE OF THE GUNNISON COUNTY CLERK AND RECORDER.
9. EASEMENTS, NOTES, RESERVATIONS, AND RECITALS AS SET FORTH ON THE PLAT OF CRYSTAL RIVER FILING RECORDED DECEMBER 11, 1970 BEARING RECEPTION NO. 262561 AND THE AMENDED PLAT OF LOT 54 THROUGH 64 & 122, BLOCK 1 AND LOTS 68 THROUGH 73 & 78 THROUGH 86, BLOCK 2, MARBLE SKI AREA CRYSTAL RIVER FILING RECORDED MAY 6, 2009 BEARING RECEPTION NO. 590513 IN THE OFFICE OF THE GUNNISON COUNTY CLERK AND RECORDER.
10. COVENANTS, CONDITIONS AND RESTRICTIONS, WHICH DO NOT CONTAIN A FORFEITURE OR REVERTER CLAUSE, SET FORTH IN THE INSTRUMENTS RECORDED: JUNE 19, 1971, IN BOOK 429 AT PAGE 32 IN THE OFFICE OF THE GUNNISON COUNTY CLERK AND RECORDER.
11. RESOLUTION REGARDING TEMPORARY REGULATION OF RESIDENTIAL DEVELOPMENT IN MARBLE AREA RECORDED FEBRUARY 28, 1995 IN BOOK 760 AT PAGE 532 AND RECORDED MARCH 1, 1995 IN BOOK 760 AT PAGE 598 IN THE OFFICE OF THE GUNNISON COUNTY CLERK AND RECORDER.
12. THOSE RUMORS AS IMPOSED BY RESOLUTION NO. 97-28 BY THE BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY AMENDING THE INDIVIDUAL SEWAGE DISPOSAL SYSTEM REGULATIONS TO ESTABLISH A MARBLE INDIVIDUAL SEWAGE DISPOSAL SYSTEM DISTRICT, RECORDED JUNE 5, 1997 AT RECEPTION NO. 476829, AND RE-RECORDED JUNE 9, 1997 AT RECEPTION NO. 476109 IN THE OFFICE OF THE GUNNISON COUNTY CLERK AND RECORDER.
13. AGREEMENT TO ABANDON UTILITY EASEMENT RECORDED JULY 19, 2001 AS RECEPTION NO. 512548 AND RECEPTION NO. 512549.
14. LOT CLUSTER AGREEMENT AND DECLARATION RECORDED JULY 19, 2001 AS RECEPTION NO. 512550.
15. TERMS AND CONDITIONS IN A TRENCH, CONDUIT, AND VAULT AGREEMENT RECORDED OCTOBER 1, 2001 AS RECEPTION NO. 514703 AND RECEPTION NO. 514704.
16. BOARD OF COUNTY COMMISSIONERS RESOLUTION NO. 09-21 RECORDED JUNE 22, 2009 AS RECEPTION NO. 591543.
17. HOLY CROSS ENERGY UNDERGROUND RIGHT-OF-WAY EASEMENT RECORDED SEPTEMBER 8, 2009 AS RECEPTION NO. 593478.
18. TERMS AND CONDITIONS IN A TRENCH, CONDUIT, AND VAULT AGREEMENT RECORDED SEPTEMBER 8, 2009 AS RECEPTION NO. 593479.
19. ANY RIGHT, TITLE AND/OR INTERESTS IN AND TO THE WATERS OF THE CRYSTAL RIVER.
20. ANY PORTION OF THE SUBJECT PROPERTY LYING OUTSIDE THE BOUNDARIES OF MARBLE SKI AREA CRYSTAL RIVER FILING RECORDED DECEMBER 11, 1970 BEARING RECEPTION NO. 262561 IN THE OFFICE OF THE GUNNISON COUNTY CLERK AND RECORDER.
21. ANY PORTION OF THE SUBJECT PROPERTY LYING WITHIN ANY ROAD RIGHT OF WAY AS DEPICTED ON THE PLAT OF MARBLE SKI AREA CRYSTAL RIVER FILING AND HERMITS HIDEAWAY SUBDIVISION NOT DEDICATED TO THE PUBLIC.
22. TAXES AND ASSESSMENTS FOR THE YEAR 2015 AND SUBSEQUENT YEARS, A LIEN BUT NOT YET DUE OR PAYABLE.

DATED THIS 15 DAY OF March A.D. 2016 AT 12:56 O'CLOCK P.M.

WILLIAM TRENT PALMER
REGISTRATION NO. 40973

NOTES

1.) ALL BEARINGS RELATIVE TO THE PLAT MARBLE SKI AREA, CRYSTAL RIVER FILING RECORDED AS RECEPTION NO. 262561.

2.) ALL BACK LOT LINES SHALL HAVE A UTILITY AND DRAINAGE EASEMENT TEN (10) FEET IN WIDTH AND ALL SIDE LOT LINES SHALL HAVE A UTILITY AND DRAINAGE EASEMENT FIVE (5) FEET IN WIDTH, EXCEPT AS OTHERWISE NOTED ON THIS PLAT.

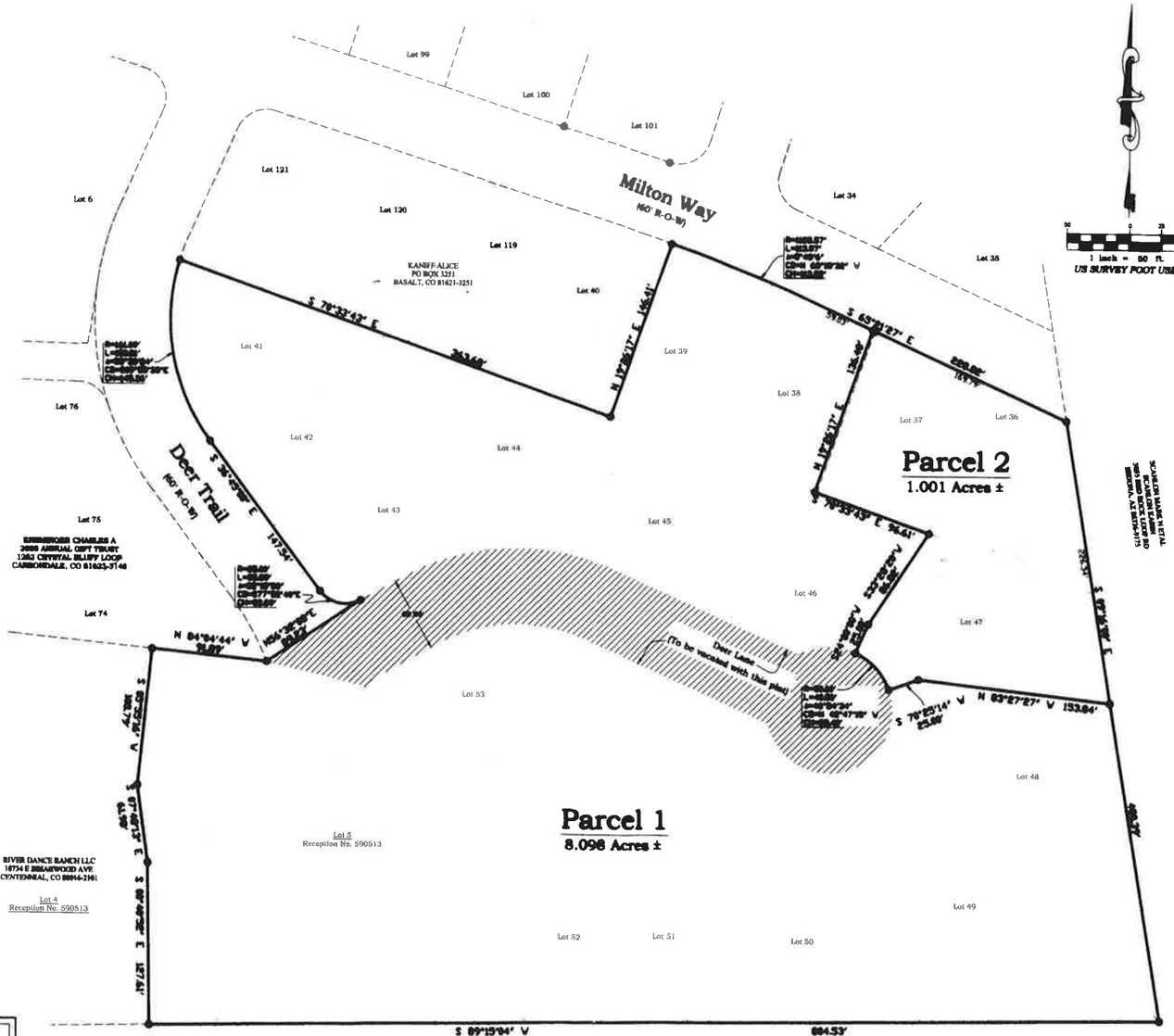
3.) THIS SURVEY IS BASED ON THE FOLLOWING TITLE COMMITMENTS BY STEWART TITLE GUARANTY COMPANY AND ARE SUBJECT TO ALL EXCEPTIONS OF LISTED COMMITMENTS:

FILE NO. 01330-14939-AMENDED NO. C2
EFFECTIVE DATE: NOVEMBER 9, 2012
FILE NO. 01330-34992
EFFECTIVE DATE: NOVEMBER 15, 2013
FILE NO. 01330-36842
EFFECTIVE DATE: OCTOBER 31, 2014
FILE NO. 01330-34111
EFFECTIVE DATE: NOVEMBER 15, 2013
FILE NO. 01330-36607
EFFECTIVE DATE: AUGUST 15, 2013
FILE NO. 01330-27537
EFFECTIVE DATE: JUNE 7, 2013

NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY 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 certification shown hereon.

LEGEND

- No. 5 Rebar & 1-1/4" Plastic Cap LS No. 38342 Set
- No. 5 Rebar & Plastic Cap LS No. 14111 Found
- Indicates portions of roads being vacated with this plat



LEGAL DESCRIPTION

PARCEL 1:

LOTS 36 & 39 AND LOTS 41 THROUGH 46 AND LOTS 48 THROUGH 53, BLOCK 1, MARBLE SKI AREA, CRYSTAL RIVER FILING, AS IDENTIFIED ON THE PLAT TITLED "PLAT OF MARBLE SKI AREA CRYSTAL RIVER FILING, GUNNISON COUNTY, COLORADO" RECORDED IN THE RECORDS OF THE OFFICE OF THE CLERK AND RECORDER OF GUNNISON COUNTY, COLORADO AT RECEPTION NO. 262561, AND LOT 5 AS IDENTIFIED ON THE PLAT TITLED "AMENDED PLAT OF LOT 54 THROUGH 64 & 122, BLOCK 1 AND LOTS 68 THROUGH 73 & 78 THROUGH 86, BLOCK 2, AND VACATION OF A PORTION OF DEER TRAIL, FAWN DRIVE & ANTLERS BLUFF, MARBLE SKI AREA CRYSTAL RIVER FILING, GUNNISON COUNTY, COLORADO" RECORDED IN THE RECORDS OF THE OFFICE OF THE CLERK AND RECORDER OF GUNNISON COUNTY, COLORADO AT RECEPTION NO. 590513 TOGETHER WITH THE ENTIRETY OF THE VACATED PORTION OF DEER LANE VACATED PURSUANT TO THE RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO AT RECEPTION NO. _____ AND IDENTIFIED HEREIN, LYING WITHIN THE COUNTY OF GUNNISON, STATE OF COLORADO.

PARCEL 2:

LOTS 36, 37 AND 47, BLOCK 1, MARBLE SKI AREA, CRYSTAL RIVER FILING, AS IDENTIFIED ON THE PLAT TITLED "PLAT OF MARBLE SKI AREA CRYSTAL RIVER FILING, GUNNISON COUNTY, COLORADO" RECORDED IN THE RECORDS OF THE OFFICE OF THE CLERK AND RECORDER OF GUNNISON COUNTY, COLORADO AT RECEPTION NO. 262561, LYING WITHIN THE COUNTY OF GUNNISON, STATE OF COLORADO.

PURSUANT TO THE LOT CLUSTER AGREEMENT AND DECLARATION RECORDED IN THE RECORDS OF THE OFFICE OF THE CLERK AND RECORDER OF GUNNISON COUNTY, COLORADO AT RECEPTION NO. _____

CERTIFICATE OF DEDICATION AND OWNERSHIP IN COMPLIANCE WITH C.R.S. § 38-33.3-209, AS AMENDED

THE UNDERSIGNED BILLY R. BURKE A/K/A BILLY BURKE AND SHARON K. BURKE, BEING SOLE OWNERS OF THE LAND DESCRIBED ABOVE AS LAID OUT, PLATTED AND SURDIVIDED THE SAME AS SHOWN ON THIS PLAT AS AMENDED PLAT OF LOTS 36-39 AND LOTS 41-53, BLOCK 1 AND VACATION OF DEER LANE, MARBLE SKI AREA, CRYSTAL RIVER FILING AND LOT 5 OF THE AMENDED PLAT OF LOT 54 THROUGH 64 & 122, BLOCK 1 AND LOTS 68 THROUGH 73 & 78 THROUGH 86, BLOCK 2 AND VACATION OF A PORTION OF DEER TRAIL, FAWN DRIVE & ANTLERS BLUFF, MARBLE SKI AREA, CRYSTAL RIVER FILING, IN THE COUNTY OF GUNNISON, STATE OF COLORADO

IN WITNESS WHEREOF BILLY R. BURKE A/K/A BILLY BURKE AND SHARON K. BURKE HAS SUBSCRIBED HIS/HER NAME THIS 15 DAY OF March A.D., 2016.

Billy R. Burke
BILLY R. BURKE
A/K/A BILLY BURKE
PO BOX 777
MARSHALL, TX 75671-0777

Sharon K. Burke
SHARON K. BURKE
PO BOX 777
MARSHALL, TX 75671-0777

STATE OF COLORADO Texas
COUNTY OF Harrison) ss

THE FOREGOING CERTIFICATE OF DEDICATION AND OWNERSHIP WAS ACKNOWLEDGED BEFORE ME THIS 4th DAY OF March A.D. 2016 BY BILLY R. BURKE A/K/A BILLY BURKE AND SHARON K. BURKE.

MY COMMISSION EXPIRES 6-18-19
WITNESS MY HAND AND OFFICIAL SEAL.
My Commission Expires June 18, 2019

Faye McIntosh
NOTARY PUBLIC

SURVEYOR'S CERTIFICATE

I, SCOTT R. BLACKARD, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR LICENSED UNDER THE LAWS OF THE STATE OF COLORADO, AND THAT THIS PLAT IS A TRUE, CORRECTED AND COMPLETE AS LAID OUT, PLATTED, DEDICATED AND SHOWN HEREON, THAT SUCH PLAT WAS MADE FROM AN ACCURATE SURVEY OF SAID PROPERTY BY ME, OR UNDER MY SUPERVISION, AND CORRECTLY SHOWS THE LOCATION AND DIMENSIONS OF THE PARCELS OF SAID AMENDED PLAT.

IN WITNESS WHEREOF, I HAVE SET MY HAND AND SEAL THIS 1ST DAY OF March A.D., 2016.

SCOTT R. BLACKARD P.L.S. 38342
PROFESSIONAL LAND SURVEYOR
email: sblackard11@gmail.com

COLORADO REGISTERED SCOTT R. BLACKARD 38342 PROFESSIONAL LAND SURVEYOR

BOARD OF COUNTY COMMISSIONERS APPROVAL

THE WITHIN AMENDED PLAT IS APPROVED THIS _____ DAY OF _____, A.D., 2016.

_____
CHAIRPERSON, GUNNISON COUNTY BOARD OF COMMISSIONERS

ATTEST: _____
GUNNISON COUNTY CLERK AND RECORDER

GUNNISON COUNTY CLERK AND RECORDER'S CERTIFICATE

THIS PLAT WAS FILED FOR RECORD IN THE OFFICE OF THE CLERK AND RECORDER OF GUNNISON COUNTY, COLORADO, AT _____ O'CLOCK __.M., OF THIS _____ DAY OF _____, A.D., 2016, AND IS DULY RECORDED AS RECEPTION NO. _____

_____
CLERK AND RECORDER

THE SEXTON SURVEY COMPANY
127 E. 5TH STREET
RIFLE, CO 81650
970-625-3711

DWG.: 14078 AMENDED	
DATE: 1/8/15	
DWG BY: SRB	
REV: 11/12/15	
REV: 2/17/16	
REV: 3/1/16	

AMENDED PLAT OF PORTIONS OF BLOCK 1, MARBLE SKI AREA, CRYSTAL RIVER FILING
SITUATED IN SECTION 27, TOWNSHIP 11 SOUTH, RANGE 88 WEST OF THE 6TH P.M.
GUNNISON COUNTY, COLORADO

3799 HIGHWAY 82 · P.O. DRAWER 2150
GLENWOOD SPRINGS, COLORADO 81602
(970) 945-5491 · FAX (970) 945-4081

March 28, 2016

Gunnison County Colorado
Public Works Department
Attn: Marlene D. Crosby
195 Basin Park Drive
Gunnison, CO 81230

RE: Street Vacation Request – Deer Lane, Marble Ski Area, Crystal River Filing

Ms. Crosby:

I have reviewed the information sent regarding a request to vacate a portion of Deer Lane, including cul-de-sac, lying within Marble Ski Area, Crystal River Filing. Vacation of this segment does not affect existing (or foreseeable potential future) utility service.

If you have any other questions, please feel free to contact me.

Sincerely
HOLY CROSS ENERGY

Russell T. Winder

Russ Winder
Utility Development Supervisor - Engineering

rwinder@holycross.com
(970) 947-5443

RW/cw

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

RESOLUTION NO: 2016-___

A RESOLUTION VACATING A PORTION OF DEER LANE, INCLUDING CUL DE SAC, LYING WITHIN MARBLE SKI AREA CRYSTAL RIVER FILING, COUNTY OF GUNNISON, STATE OF COLORADO

WHEREAS, the Board of County Commissioners of the County of Gunnison, Colorado (herein "Board"), by virtue of Colorado law, has authority and is the owner of certain roads lying within the County of Gunnison; and

WHEREAS, the Board has determined that not all platted roads are necessary for public access to privately owned property; and

WHEREAS, the Board has received a request to vacate a certain unbuilt portion of Deer Lane, including the cul de sac, lying within Marble Ski Area, Crystal River Filing, County of Gunnison, State of Colorado described as follows:

> That portion of Deer Lane, including the cul de sac, lying adjacent to Lots 43 through 53, Block 1, Marble Ski Area, Crystal River Filing, as identified on the plat titled "*Plat of Marble Ski Area Crystal River Filing Gunnison County, Colorado*" recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado at Reception No: 282561, and lying adjacent to Lot 5 as identified on the plat titled "*Amended Plat of Lot 54 through 64 & 122, Block 1 and Lots 68 through 73 & 78 through 86, Block 2 and Vacation of a Portion of Deer Trail, Fawn Drive & Antlers Bluff, Marble Ski Area Crystal River Filing Gunnison County, Colorado*" recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado at Reception No. 590513, and as identified on the plat titled "*Amended Plat of Lots 36-39 and Lots 41-53, Block 1 and Vacation of Deer Lane, Marble Ski Area, Crystal River Filing and Lot 5 of the Amended Plat of Lot 54 through 64 & 122, Block 1 and Lots 68 through 73 & 78 through 86, Block 2 and Vacation of a Portion of Deer Trail, Fawn Drive & Antlers Bluff, Marble Ski Area Crystal River Filing Gunnison County, Colorado*", recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado at Reception No: _____.

WHEREAS, the vacation of the above described unbuilt portion of Deer Lane and cul de sac will not hinder any property owners of any lands from having access to their respective land nor disrupt existing travel modes or anticipated conditions in traffic or development patterns; and

WHEREAS, there will be no adverse impact to the natural environment, community needs or public health, safety and welfare from the vacation of the above described unbuilt portion of Deer Lane and cul de sac; and

WHEREAS, the notices required by Colorado law for such vacation have been given and a public hearing on such vacation has been conducted; and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado that the following described unbuilt portion of Deer Lane and cul de sac lying within Marble Ski Area, Crystal River Filing, County of Gunnison, State of Colorado, shall be and hereby is vacated:

> That portion of Deer Lane, including the cul de sac, lying adjacent to Lots 43 through 53, Block 1, Marble Ski Area, Crystal River Filing, as identified on the plat titled "*Plat of Marble Ski Area Crystal River Filing Gunnison County, Colorado*" recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado at Reception No: 282561, and lying adjacent to Lot 5 as identified on the plat titled "*Amended Plat of Lot 54 through 64 & 122, Block 1 and Lots 68 through 73 & 78 through 86, Block 2 and Vacation of a Portion of Deer Trail, Fawn Drive & Antlers Bluff, Marble Ski Area Crystal River Filing Gunnison County, Colorado*" recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado at Reception No. 590513, and as identified on the plat titled "*Amended Plat of Lots 36-39 and Lots 41-53, Block 1 and Vacation of Deer Lane, Marble Ski Area, Crystal River Filing and Lot 5 of the Amended Plat of Lot 54 through 64 & 122, Block 1 and Lots 68 through 73 & 78 through 86, Block 2 and Vacation of a Portion of Deer Trail, Fawn Drive & Antlers Bluff, Marble Ski Area Crystal River Filing Gunnison County, Colorado*", recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado at Reception No: _____.

It is the specific intent of the Board that the vacation of the above described unbuilt portion of Deer Lane and cul de sac shall accrue to and vest in the record owner(s) of adjacent real property pursuant to the provisions of C.R.S. § 43-2-302.

FURTHERMORE, this Resolution is contingent upon and shall not become effective until the recording in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado of the following:

1. A Lot Cluster Agreement executed by Gunnison County and the owner(s) of the adjacent property clustering said property and the unbuilt portion of Deer Lane and cul de sac vacated by this Resolution; and

2. This Resolution.

INTRODUCED by Commissioner_____, seconded by Commissioner _____, and adopted this _____ day of _____, 2016.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

By: _____
Paula Swenson, Chairperson

By: _____
Phil Chamberland, Vice Chairperson

By: _____
Jonathan Houck, Commissioner

ATTEST:

_____
Deputy County Clerk

AMENDED PLAT OF LOTS 36-39 AND LOTS 41-53, BLOCK 1 AND VACATION OF DEER LANE, MARBLE SKI AREA, CRYSTAL RIVER FILING AND LOT 5 OF THE AMENDED PLAT OF LOT 54 THROUGH 64 & 122, BLOCK 1 AND LOTS 68 THROUGH 73 & 78 THROUGH 86, BLOCK 2 AND VACATION OF A PORTION OF DEER TRAIL, FAWN DRIVE & ANTLERS BLUFF, MARBLE SKI AREA CRYSTAL RIVER FILING, GUNNISON COUNTY, COLORADO

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15. TERMS AND CONDITIONS IN A TRENCH, CONDUIT, AND VAULT AGREEMENT RECORDED OCTOBER 1, 2001 AS RECEPTION NO. 514703 AND RECEPTION NO. 514704.
16. BOARD OF COUNTY COMMISSIONERS RESOLUTION NO. 09-21 RECORDED JUNE 22, 2009 AS RECEPTION NO. 591543.
17. HOLY CROSS ENERGY UNDERGROUND RIGHT-OF-WAY EASEMENT RECORDED SEPTEMBER 8, 2009 AS RECEPTION NO. 593478.
18. TERMS AND CONDITIONS IN A TRENCH, CONDUIT, AND VAULT AGREEMENT RECORDED SEPTEMBER 8, 2009 AS RECEPTION NO. 593479.
19. ANY RIGHT, TITLE AND/ OR INTERESTS IN AND TO THE WATERS OF THE CRYSTAL RIVER.
20. ANY PORTION OF THE SUBJECT PROPERTY LYING OUTSIDE THE BOUNDARIES OF MARBLE SKI AREA CRYSTAL RIVER FILING RECORDED DECEMBER 11, 1970 BEARING RECEPTION NO. 282561 IN THE OFFICE OF THE GUNNISON COUNTY CLERK AND RECORDER.
21. ANY PORTION OF THE SUBJECT PROPERTY LYING WITHIN ANY ROAD RIGHT OF WAY AS DEPICTED ON THE PLAT OF MARBLE SKI AREA CRYSTAL RIVER FILING AND HERMITS HIDEAWAY SUBDIVISION NOT DEDICATED TO THE PUBLIC.
22. TAXES AND ASSESSMENTS FOR THE YEAR 2015 AND SUBSEQUENT YEARS, A LIEN BUT NOT YET DUE OR PAYABLE.

DATED THIS 15 DAY OF March, A.D. 2016 AT 12:56 O'CLOCK P.M.

WILLIAM TRENT PALMER
REGISTRATION NO. 40973

NOTES

1.) ALL BEARINGS RELATIVE TO THE PLAT MARBLE SKI AREA, CRYSTAL RIVER FILING RECORDED AS RECEPTION NO. 282561.

2.) ALL BACK LOT LINES SHALL HAVE A UTILITY AND DRAINAGE EASEMENT TEN (10) FEET IN WIDTH AND ALL SIDE LOT LINES SHALL HAVE A UTILITY AND DRAINAGE EASEMENT FIVE (5) FEET IN WIDTH, EXCEPT AS OTHERWISE NOTED ON THIS PLAT.

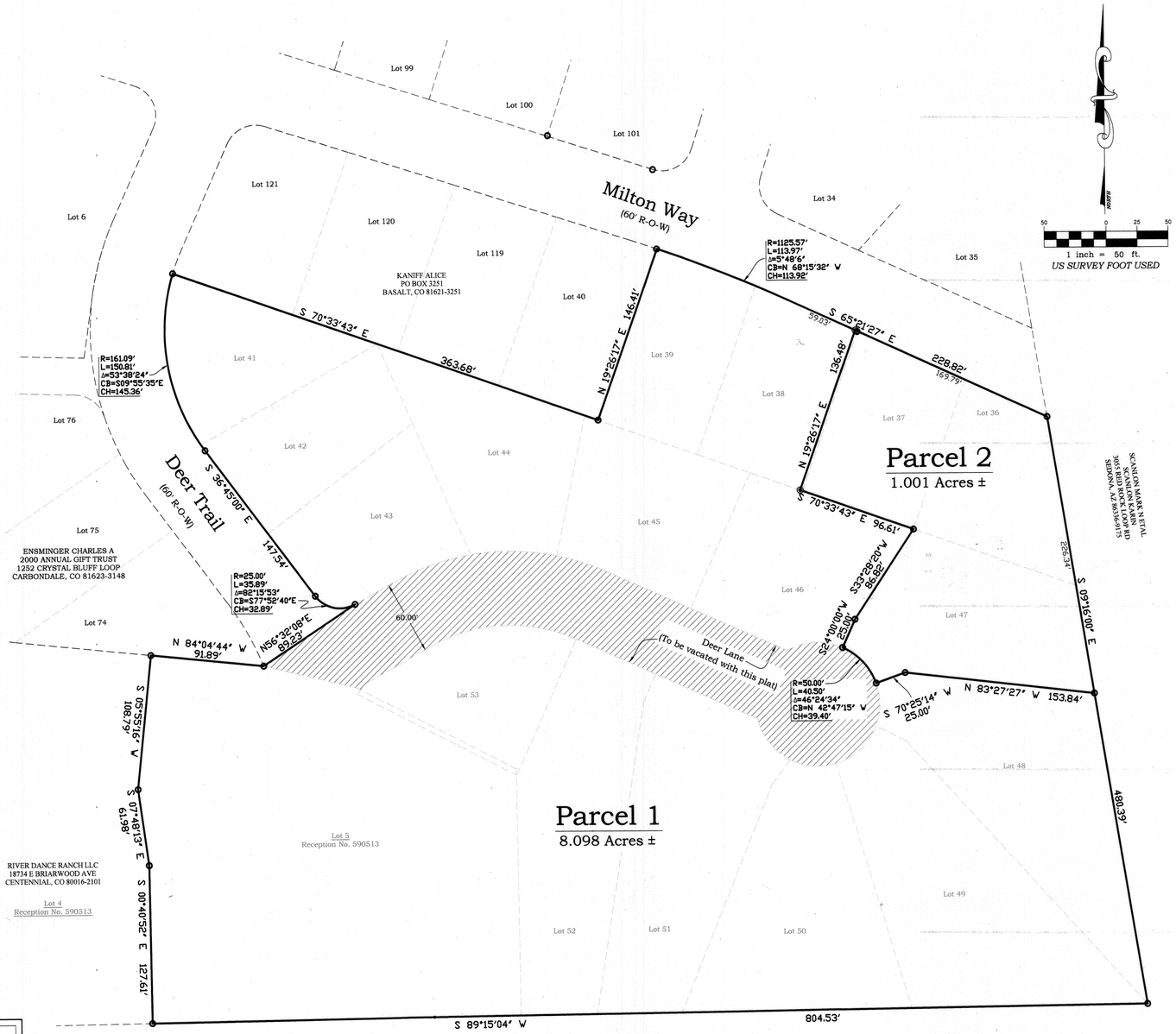
3.) THIS SURVEY IS BASED ON THE FOLLOWING TITLE COMMITMENTS BY STEWART TITLE GUARANTY COMPANY AND ARE SUBJECT TO ALL EXCEPTIONS ON LISTED COMMITMENTS:

FILE NO. 01330-14939-AMENDED NO. C2
EFFECTIVE DATE: NOVEMBER 9, 2012
FILE NO. 01330-34092
EFFECTIVE DATE: NOVEMBER 15, 2013
FILE NO. 01330-50642
EFFECTIVE DATE: OCTOBER 31, 2014
FILE NO. 01330-34111
EFFECTIVE DATE: NOVEMBER 15, 2013
FILE NO. 01330-30607
EFFECTIVE DATE: AUGUST 15, 2013
FILE NO. 01330-27557
EFFECTIVE DATE: JUNE 7, 2013

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

LEGEND

- No. 5 Rebar & 1-1/4" Plastic Cap LS No. 38342 Set
- No. 5 Rebar & Plastic Cap LS No. 14111 Found
- Indicates portions of roads being vacated with this plat



LEGAL DESCRIPTION

PARCEL 1:

LOTS 38 & 39 AND LOTS 41 THROUGH 46 AND LOTS 48 THROUGH 53, BLOCK 1, MARBLE SKI AREA, CRYSTAL RIVER FILING, AS IDENTIFIED ON THE PLAT TITLED "PLAT OF MARBLE SKI AREA CRYSTAL RIVER FILING, GUNNISON COUNTY, COLORADO" RECORDED IN THE RECORDS OF THE OFFICE OF THE CLERK AND RECORDER OF GUNNISON COUNTY, COLORADO AT RECEPTION NO. 282561, AND LOT 5 AS IDENTIFIED ON THE PLAT TITLED "AMENDED PLAT OF LOT 54 THROUGH 64 & 122, BLOCK 1 AND LOTS 68 THROUGH 73 & 78 THROUGH 86, BLOCK 2, AND VACATION OF A PORTION OF DEER TRAIL, FAWN DRIVE & ANTLERS BLUFF, MARBLE SKI AREA CRYSTAL RIVER FILING, GUNNISON COUNTY, COLORADO" RECORDED IN THE RECORDS OF THE OFFICE OF THE CLERK AND RECORDER OF GUNNISON COUNTY, COLORADO AT RECEPTION NO. 590513 TOGETHER WITH THE ENTIRETY OF THE VACATED PORTION OF DEER LANE VACATED PURSUANT TO THE RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO AT RECEPTION NO. _____ AND IDENTIFIED HEREIN, LYING WITHIN THE COUNTY OF GUNNISON, STATE OF COLORADO.

PARCEL 2:

LOTS 36, 37 AND 47, BLOCK 1, MARBLE SKI AREA, CRYSTAL RIVER FILING, AS IDENTIFIED ON THE PLAT TITLED "PLAT OF MARBLE SKI AREA CRYSTAL RIVER FILING, GUNNISON COUNTY, COLORADO" RECORDED IN THE RECORDS OF THE OFFICE OF THE CLERK AND RECORDER OF GUNNISON COUNTY, COLORADO AT RECEPTION NO. 282561, LYING WITHIN THE COUNTY OF GUNNISON, STATE OF COLORADO.

PURSUANT TO THE LOT CLUSTER AGREEMENT AND DECLARATION RECORDED IN THE RECORDS OF THE OFFICE OF THE CLERK AND RECORDER OF GUNNISON COUNTY, COLORADO AT RECEPTION NO. _____

CERTIFICATE OF DEDICATION AND OWNERSHIP IN COMPLIANCE WITH C.R.S. § 38-33.3-209, AS AMENDED

THE UNDERSIGNED BILLY R. BURKE A/K/A BILLY BURKE AND SHARON K. BURKE, BEING SOLE OWNERS OF THE LAND DESCRIBED ABOVE AS LAID OUT, PLATTED AND SUBDIVIDED THE SAME AS SHOWN ON THIS PLAT AS AMENDED PLAT OF LOTS 36-39 AND LOTS 41-53, BLOCK 1 AND VACATION OF DEER LANE, MARBLE SKI AREA, CRYSTAL RIVER FILING AND LOT 5 OF THE AMENDED PLAT OF LOT 54 THROUGH 64 & 122, BLOCK 1 AND LOTS 68 THROUGH 73 & 78 THROUGH 86, BLOCK 2 AND VACATION OF A PORTION OF DEER TRAIL, FAWN DRIVE & ANTLERS BLUFF, MARBLE SKI AREA, CRYSTAL RIVER FILING, IN THE COUNTY OF GUNNISON, STATE OF COLORADO

IN WITNESS WHEREOF BILLY R. BURKE A/K/A BILLY BURKE AND SHARON K. BURKE HAS SUBSCRIBED HIS/HER NAME THIS 4th DAY OF March, A.D., 2016.

Billy R Burke
BILLY R. BURKE
A/K/A BILLY BURKE
PO BOX 777
MARSHALL, TX 75671-0777

Sharon K. Burke
SHARON K. BURKE
PO BOX 777
MARSHALL, TX 75671-0777

STATE OF ~~COLORADO~~ Texas
COUNTY OF Harrison) ;SS

THE FOREGOING CERTIFICATE OF DEDICATION AND OWNERSHIP WAS ACKNOWLEDGED BEFORE ME THIS 4th DAY OF March, A.D., 2016 BY BILLY R. BURKE A/K/A BILLY BURKE AND SHARON K. BURKE.

MY COMMISSION EXPIRES: 6-18-19
WITNESS MY HAND AND OFFICIAL SEAL.

(SEAL) FAYE McINTOSH My Commission Expires June 18, 2019

Faye McIntosh
NOTARY PUBLIC

SURVEYOR'S CERTIFICATE

I, SCOTT R. BLACKARD, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR LICENSED UNDER THE LAWS OF THE STATE OF COLORADO, AND THAT THIS PLAT IS A TRUE, CORRECTED AND COMPLETE AS LAID OUT, PLATTED, DEDICATED AND SHOWN HEREON, THAT SUCH PLAT WAS MADE FROM AN ACCURATE SURVEY OF SAID PROPERTY BY ME, OR UNDER MY SUPERVISION, AND CORRECTLY SHOWS THE LOCATION AND DIMENSIONS OF THE PARCELS OF SAID AMENDED PLAT.

IN WITNESS WHEREOF, I HAVE SET MY HAND AND SEAL THIS 1ST DAY OF MARCH, A.D., 2016.

SCOTT R. BLACKARD P.L.S. 38342
PROFESSIONAL LAND SURVEYOR
email: sblackard11@gmail.com

COLORADO LICENSED PROFESSIONAL LAND SURVEYOR SCOTT R. BLACKARD 38342

BOARD OF COUNTY COMMISSIONERS APPROVAL

THE WITHIN AMENDED PLAT IS APPROVED THIS _____ DAY OF _____, A.D., 2016.

_____
CHAIRPERSON, GUNNISON COUNTY BOARD OF COMMISSIONERS

ATTEST: _____
GUNNISON COUNTY CLERK AND RECORDER

GUNNISON COUNTY CLERK AND RECORDER'S CERTIFICATE

THIS PLAT WAS FILED FOR RECORD IN THE OFFICE OF THE CLERK AND RECORDER OF GUNNISON COUNTY, COLORADO, AT _____ O'CLOCK __M., ON THIS _____ DAY OF _____, A.D., 2016, AND IS DULY RECORDED AS RECEPTION NO. _____

_____
CLERK AND RECORDER

THE SEXTON SURVEY COMPANY
127 E. 5TH STREET
RIFLE CO 81650
970-625-3711

DWG.: 14076 AMENDED
DATE: 1/9/15
DWG BY: SRB
REV: 11/12/15
REV: 2/17/16
REV: 3/1/16

AMENDED PLAT OF PORTIONS OF BLOCK 1, MARBLE SKI AREA, CRYSTAL RIVER FILING
SITUATED IN SECTION 27, TOWNSHIP 11 SOUTH, RANGE 88 WEST OF THE 6TH P.M.
GUNNISON COUNTY, COLORADO