AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Lot Cluster Request; Pete Burke Holding LLC; Blue

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement:

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

Summary:

Pete Burke Holdings LLC clustering Lots 277,278, & 279- Blue Mesa Subdivision Unit 1

Fiscal Impact:

Submitted by: Beth Baker **Submitter's Email Address:** bbaker@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: 3/3/2017 Certificate of Insurance Required Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 3/3/2017

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

Agenda Date: 3/7/2017

Revised April 2015

Community Development Department

March 2, 2017

RE: Lot Cluster Request

Pete Burke Holding LLC has applied to cluster three contiguous lots in Blue Mesa Subdivision.

- ✓ Lots 277, 278 & 279 -The lots are each two acres, for a total of a six acre lot.
- ✓ The taxes are current
- ✓ The HOA has approved the cluster
- ✓ The utility companies had no objections
- ✓ He has submitted a building application for a single family residence
- ✓ The Director of Community Development and the County Attorney have both reviewed and approved the application.

You may view the application using the link: http://204.132.78.100/citizenaccess/

- ✓ Click public access
- ✓ Click projects
- ✓ Click application number
- ✓ Use Number LC-17-00001
- ✓ Click on Attachments to view

Please call with any questions or comments.

Thank you,

Beth Baker
Gunnison County Community Development
970-641-7932
bbaker@gunnisoncounty.org

Gunnison County
COLORADO

APPLICATION TO COMBINE EXITING PARCELS OF REAL PROPERTY IN GUNNISON COUNTY

Gunnison County Community Development Department 221 N. Wisconsin St. Gunnison, CO
Telephone: 970-641-0360 FAX: 970-641-8585

Application Fee- $260.00

APPLICANT/ Owners : Pete Burke Holdings LLC		
PRIMARY CONTACT: Pete Burke		
MAILING ADDRESS: 1903 Stonecrest TRAIL		
CITY: Wylie	**STATE:** TEXAS	**ZIP:** 75098
PHONE (home): 972-530-6334	**(cell):** 214-709-6752	
E-MAIL ADDRESS: pete@Taylorrentalgarland.com	**E-MAIL ADDRESS:**	

1. **OWNERS LEGAL DESCRIPTION:**

LOTS # 277, 278, 279 unit 1 Blue Mesa Subd
Gunnison County Colorado

and any adjacent street or alley that is or may be vacated.
County of Gunnison,
State of Colorado.

2. **REQUEST TO COMBINE LOTS AND VACATE BOUNDARY LINE(S).** The undersigned desire(s) to create a single undivided building lot from the adjacent parcels described above; the undersigned expressly desires to vacate the boundary line(s) between such adjacent parcels. (Signature blocks on last page of application)

3. **LIEN OR MORTGAGE HOLDER ADDRESS(ES).** For each parcel described in #1, above, state the name, address and telephone number of each lien and or mortgage holder and briefly describe each lien and/or mortgage: Attach information NO lien/or mortgage Holder

4. **LIEN OR MORTGAGE HOLDER CONSENT.** For each lien and/or mortgage described in #4, above, as applicable, provide notarized letters of consent or a signed and notarized subordination to the lot cluster from lien or mortgage holders of the individual pre-clustered lots; the lien/mortgage holder is required to sign the attached "Lot Cluster Agreement and Declaration." NO lien or mortgage Holder

5. **PROTECTIVE COVENANTS OR DEED RESTRICTIONS.** Attach a copy of the applicable Declaration of Protective Covenants, and /or deed restriction.

6. **NOTARIZED SIGNATURES.** Provide a notarized signature and affirmation that the application complies with applicable covenants or deed restrictions, by an authorized representative for the association that administers the protective covenants, or by the beneficiary of the deed restriction, as applicable.

7. **LOCATION WITHIN SPECIAL DISTRICT.** Identify each district or entity (such as a water and sanitation district) that provides service to each lot described in #1, above. Approval of this application to combine the described parcels or lots does NOT affect fees, assessments, or charges regarding any serve to those lots; changes to those fees, assessments or charges can only be made by such districts.

8. **CONSENT BY UTILITIES.** As applicable, notarized letters of consent to the lot cluster from utility companies whose facilities are located in legal easements on or adjacent to the proposed clustered lots, and a copy of the easement agreements, if such agreements exist. N/A

9. **SITE PLAN.** All the listed information MUST be shown on the drawing, as applicable. The site plan must be legible, clearly marked, on 8.5 x 11 inch paper, with a scaled representation of the lots.

- ☐ Exterior lot lines for all parcels described in #1, above
- ☐ All existing and proposed structures
- ☐ Locations of driveways and parking areas/spaces
- ☐ Locations of utilities (septic tanks, leach fields, wells, electric, gas, telephone or cable lines)
- ☐ Distance of structures from property lines
- ☐ Easements (include width as well as locations)
- ☐ Irrigation and drainage ditches
- ☐ Boundary line(s) to be vacated between lots
- ☐ If the lots are located within a platted townsite or recorded subdivision, indicate on the site plan the date, book and page or receipt numbers as recorded in the Office of the Gunnison County Clerk and Recorder. Date dated 5/14/1972 Rec# 288872
- ☐ The lots immediately adjacent to all boundaries of the lots that will be clustered.

Each undersigned applicant, for themselves, their heirs, successors, personal representatives and assigns, declares an intention to combine the parcels described in #1, above, into one lot to be maintained as one new integrated single building lot and further declares an intention that no portion of such new lot constituting less than the entire new lot may be conveyed, mortgaged, encumbered or otherwise transferred without prior compliance with applicable subdivision requirements including but not limited to those required by the *Gunnison County Land Use Resolution*. The above declaration is for the benefit of Gunnison County, Colorado and shall run with the land in perpetuity. Nothing in this Agreement is or shall be construed to be a waiver of applicable County building, sewage disposal, driveway and/or other permit requirements.

Date: 2/27/17 _____ Owner/ Applicant

Date: _____ Managing Member of Pete Burke Holdings LLC Owner/ Applicant

AUTHORIZATIONS

Date: 3/2/17 _____ Gunnison County Attorney

Date: 2/28/17 _____ Gunnison County Community Development Director

DATE RECEIVED
(Community Development Dept): _____
BY: _____

Gunnison County
COLORADO

LOT CLUSTER AGREEMENT AND DECLARATION

Date of Meeting_____ (filled in by staff)

THIS LOT CLUSTER AGREEMENT AND DECLARATION is made between the Board of County Commissioners of the County of Gunnison, Colorado (hereinafter "Gunnison County")

and Pete Burke Holdings LLC
(Owner) **(Owner)**

_____ _____
(Owner) **(Owner)**

RECITALS:

Legal Description: Complete – please attach if too long

Lots # 277, 278, 279 unit I Blue Mesa Sub
Gunnison County

and any adjacent street or alley that is or may be vacated.,
County of Gunnison
State of Colorado

2. This *Lot Cluster Agreement and Declaration* is made for good, valuable and sufficient consideration, including the creation of a single parcel by the clustering of the above described properties.

NOW, THEREFORE, it is agreed that:

1. Gunnison County, Colorado and Owner, on behalf of themselves, their respective heirs, successors, personal representatives and assigns, hereby declare that the real property described above shall hereafter be and is combined into one parcel to be maintained as one new integrated parcel and single building lot and further declare that no portion of such new parcel constituting less than the entire new parcel may be conveyed, mortgaged or encumbered or otherwise transferred without prior compliance with applicable subdivision requirements including but not limited to the *Gunnison County Land Use Resolution*.

2. This *Lot Cluster Agreement and Declaration* does not independently change or amend any fee, assessment or charge regarding any service to such real property.

3. This *Lot Cluster Agreement and Declaration* is made for the benefit of Gunnison County, Colorado, and shall run with the land in perpetuity. Nothing in this *Lot Cluster Agreement and Declaration* is or shall be construed to be a waiver of applicable County Building, Sewage Disposal System, Land Use Change or other permit requirements.

4. This *Lot Cluster Agreement and Declaration* shall not have effect until it is recorded, at the cost of the Applicant, with the Clerk and Recorder of Gunnison County, Colorado.

5. The lot cluster approved by recordation of this *Lot Cluster Agreement and Declaration* does not result in a guarantee of approval of an Individual Septic System Permit application or approval of a variance from the *Gunnison County On-Site Wastewater Treatment System Regulations*.

6. Approval of this lot cluster is subject to the terms of the utility companies potentially affected by this action. The companies' comments are attached to, and are hereby incorporated as part of this *Lot Cluster Agreement and Declaration*.

Date: 2-27-17 _____ **Owner**

Date: _____ Managing Member of pete Burke Holdings LLC **Owner**

Date: _____ _____ **Owner**

Date: _____ _____ **Mortgage or Lien Holder**

STATE OF COLORADO)
)ss
COUNTY OF GUNNISON)

The foregoing instrument was acknowledged before me this 27 day of February 2017 by Pete Burke **(Owner/s).**

Witness my hand and official seal.

My Commission expires: 11/01/17

_____
Notary Public

Address:

TYLER GRAHAM
Notary Public
State of Texas
Comm. Expires 11/01/2017

STATE OF COLORADO)
)ss
COUNTY OF GUNNISON)

The foregoing instrument was acknowledged before me this _____ day of _____20___ by _____ **(Mortgage/Lien Holder).**

Witness my hand and official seal.

My Commission expires: _____

_____
Notary Public

Address:

STATE OF COLORADO)
)ss
COUNTY OF GUNNISON)

Date: _____

_____	_____	_____
Phil Chamberland Chairperson	John Messner Commissioner	Jonathan Houck Commissioner

Board of County Commissioners
Gunnison County, Colorado

Attest:

_____
Gunnison County Clerk and Recorder

BLUE MESA RECREATION ASSOCIATION

www.bluemesahoa.com
2391 BLUE MESA DRIVE
POWDERHORN, CO 81243

February 16, 2017

Gunnison County Community Development Department
221 N. Wisconsin, Suite D
Gunnison, CO 81230

Ladies and Gentlemen:

Pete Burke has requested that his three lots, namely Lots number 277, 278, and 279 in Blue Mesa Subdivision, Unit 1, be clustered. Please be advised that Blue Mesa Recreation Association has no problem with that process taking place. Mr. Burke is aware that it will not affect the association dues payable on three lots.

Please accept this letter as our consent to advance the procedure to put them in a cluster.

Yours very truly,

Nancy Bowlin

Nancy Bowlin
Secretary/Treasurer

GUNNISON COUNTY
Property Tax Receipt

Receipt #	1215685		Date Receipt Printed
Transaction #	83080324364774		02/16/2017
Transaction Date	02/13/2017		

CURRENT TAX YEAR INFORMATION

Account #	R017001	**Parcel #**	405120003010
		Property Address	
Owner	BURKE PETE HOLDINGS LLC 1903 STONECREST TRL WYLIE, TX 75098-7763		SCHOFIELD TRL BLUE MESA SUBDIVISION AREA
Legal	LOT 279 BLUE MESA SUBD 1 #641950		

PAID	Tax Year:	Bill Item Type:	Amount:	Description:
	2016	AD VALOREM	$51.63	FULL YEAR
		Bill Annual Total:		$51.63
		Account Total:		**$51.63**

PAID BY INFORMATION

CHECK	10250	4 B RENTAL SOURCE INC	$51.63
Over/Short			$0.00
Change			$0.00
Refund			$0.00

Transaction Total Applied **$51.63**

Tax Receipt valid upon check(s) clearing your bank.

GUNNISON COUNTY
Property Tax Receipt

Receipt # 1217280
Transaction # 83080324366128
Transaction Date 02/16/2017

Date Receipt Printed
02/16/2017

CURRENT TAX YEAR INFORMATION

Account # R016999

Parcel # 405120003014

Property Address
SCHOFIELD TRL
BLUE MESA SUBDIVISION AREA

Owner BURKE PETE HOLDINGS LLC
1903 STONECREST TRL
WYLIE, TX 75098-7763

Legal LOT 277 BLUE MESA SUBD 1 #641950

PAID	Tax Year:	Bill Item Type:	Amount:	Description:
	2016	AD VALOREM	$51.63	FULL YEAR
		Bill Annual Total:		$51.63
		Account Total:		**$51.63**

Receipt # 1217281
Transaction # 83080324366128
Transaction Date 02/16/2017

Date Receipt Printed
02/16/2017

CURRENT TAX YEAR INFORMATION

Account # R017000

Parcel # 405120003011

Property Address
SCHOFIELD TRL
BLUE MESA SUBDIVISION AREA

Owner BURKE PETE HOLDINGS LLC
1903 STONECREST TRL
WYLIE, TX 75098-7763

Legal LOT 278 BLUE MESA SUBD 1 #641950

PAID	Tax Year:	Bill Item Type:	Amount:	Description:
	2016	AD VALOREM	$51.63	FULL YEAR
		Bill Annual Total:		$51.63
		Account Total:		**$51.63**

PAID BY INFORMATION

Online	BURKE PETE HOLDINGS LLC	$103.26
Over/Short		$0.00
Change		$0.00
Refund		$0.00

CenturyLink™

222 West 5th Street
Pueblo, CO 81003
TEL 719-584-6484
FAX 719-584-6462

February 21, 2017

Re: Lot consolidation

Mr. Burke,

Please be advised that Qwest Corporation d/b/a CenturyLink QC has no objection to the consolidation of Lots 277, 278 and 279 Unit 1, Blue Mesa Subdivision, Gunnison County, Colorado nor the vacation of any platted public utility easements associated with the consolidation.

Please call me if I can be of further assistance.

Yours truly,

Murk Mansell

Murk Mansell
Right of Way Agent

February 16 2017

Burke Pete Holdings LLC

Blue Mesa Subdivision 1 # 641950

This letter is in response to your request to cluster the lots 277, 278 and 279 in Blue Mesa Subdivision 1 off of Schofield Trail. Gunnison County Electric Association, Inc. (GCEA) has no objection to cluster these lots; however, GCEA desires to maintain any utility easement crossing over or under the said lots.

This letter shall in no way be construed to grant permission to vacate any other utility easements on the property, specifically including, but not limited to, the easement for the existing underground electric must be constructed so as the meet proper clearances from any existing underground electric power lines as specified with the National Electrical Safety Code.

Please feel free to contact me at 970-641-7338 if you have any questions.

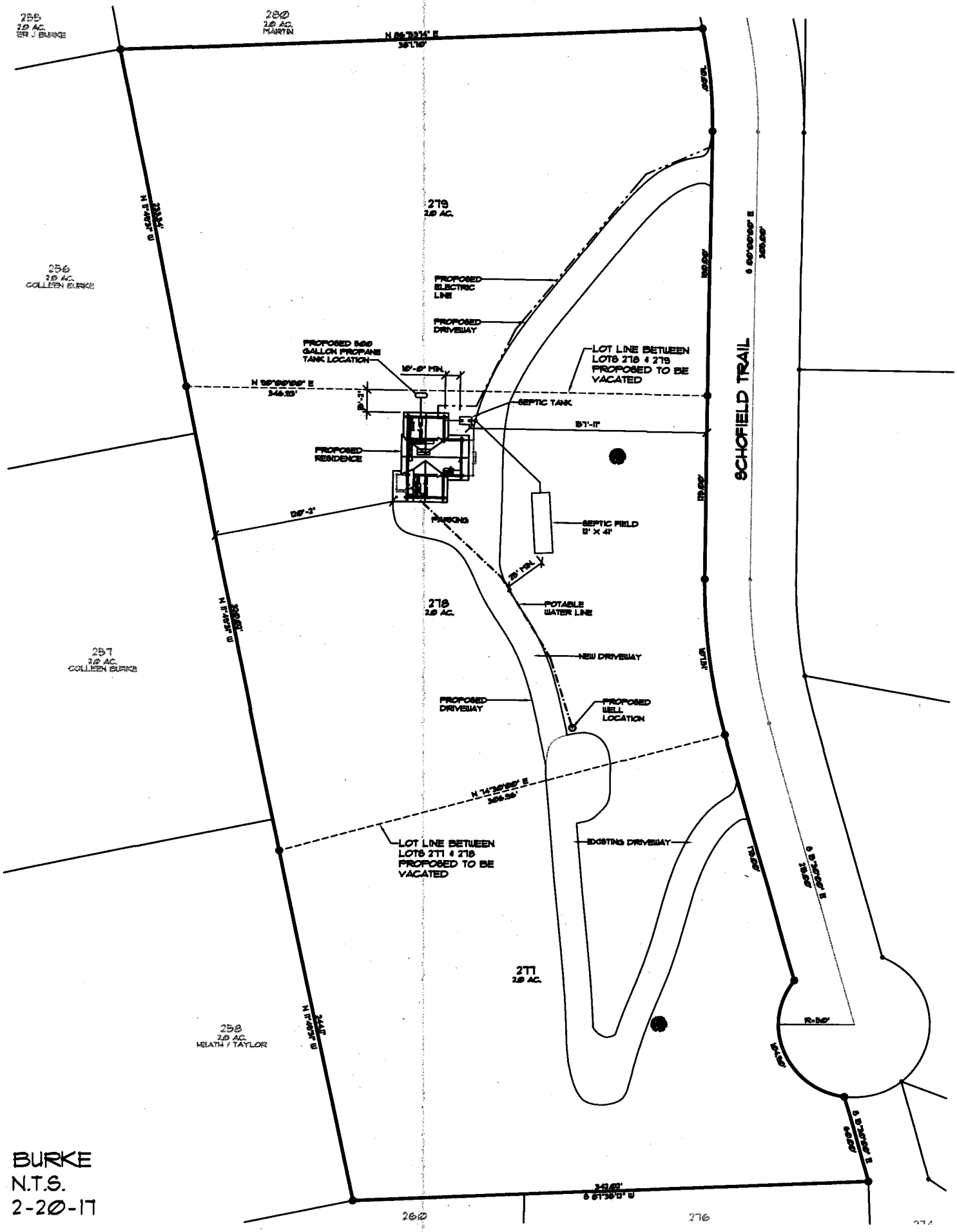
Sincerely,

Brian Muth

Engineering Technician

Gunnison County Electric Association

Xc. County of Gunnison



BURKE
N.T.S.
2-20-17

K Simillion Gunnison County, CO
9/14/2016 3:35:41 PM
432

641950
Page 1 of 2
R 16.00 D 0.00

Recording requested by: WALTER J. BURKE

When recorded, mail to:

Name: PETE BURKE HOLDINGS, LLC

Address: 1903 STONECREST TRAIL

City/State/Zip: WYLIE, TX. 75098

Property Tax Parcel/Account Number:

Space above reserved for use by Recorder's Office

Document prepared by:

Name WALTER J. BURKE

Address 1614 HERMOSA CT.

City/State/Zip MONTROSE, CO. 81401

Warranty Deed

This Warranty Deed is made on SEPT. 9, 2016, between WALTER & MARRILEE BURKE Grantor, of 1614 HERMOSA CT., City of MONTROSE, State of COLORADO, and PETE BURKE HOLDINGS, L.L.C, Grantee, of 1903 STONECREST TRAIL, City of WYLIE, State of TEXAS.

For valuable consideration, the Grantor hereby sells, grants, and conveys the following described real estate, in fee simple, to the Grantee to have and hold forever, along with all easements, rights, and buildings belonging to the described property, located at LOTS #277; 278; 279 UNIT 1 BLUE MESA SUBD, ~~City of~~ COUNTY: GUNNISON, State of COLORADO:

The Grantor warrants that it is lawful owner and has full right to convey the property, and that the property is free from all claims, liabilities, or indebtedness, and that the Grantor and its successors will warrant and defend title to the Grantee against the lawful claims of all persons. Taxes for the tax year of 2016 shall be prorated between the Grantor and Grantee as of the date of recording of this deed.

Dated: SEPT. 9, 2016

Walter J. Burke & Marril Lee Burke
Signature of Grantor

WALTER J. BURKE & MARRIL LEE BURKE
Name of Grantor

Signature of Witness #1

Patrick McGrath
Printed Name of Witness #1

Nancie Rotherham
Signature of Witness #2

Nancie Rotherham
Printed Name of Witness #2

State of Colorado County of Montrose
On September 9, 2016, the Grantor, Walter J. Burke & Marril Lee Burke, personally came before me and, being duly sworn, did state, acknowledge and prove that he/she is the person described in the above document and that he/she signed the above document in my presence.

Janis L. Marcha
Notary Signature

Notary Public,
In and for the County of Montrose State of Colorado
My commission expires: 05/07/2019 Seal

JANIS L. MARCHA
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID #20074018128
My Commission Expires May 7, 2019

Send all tax statements to Grantee.