AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Boundary Line Adjustment Request; Daniel & Pamela

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement:

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

Summary:

Daniel & Pamela Smith request a boundary line adj. Quartz Creek Mining District Pen. No 2 and Pen No. 3

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 db 3/17/17

Reveiwed by: GUNCOUNTY1\dBaumgarten Discharge Date: 3/17/2017 Certificate of Insurance Required Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 3/17/2017

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

Agenda Date: 3/21/2017

Revised April 2015

March 14, 2017

RE: Boundary Line Adjustment request

Daniel and Pamela Smith, represented by attorney Bob O'Hayre have submitted a request for a boundary line adjustment.

The property is located in the Quartz Creek Mining District- the Pen No. 2 and Pen No. 3, Lode Mining Claims. The Smiths own both lots.

They want to adjust the boundary line between the two patented mining claims. The water tank used by Pen No. 3 is currently located on Pen No. 2. They have reconfigured the boundary line to now have the water tank used by Pen No. 3 on that lot.

The Pen No. 3 will go from 10.331 acres to 10.51 acres
The Pen No. 2 will go from 8.02 acres to 7.99 acres

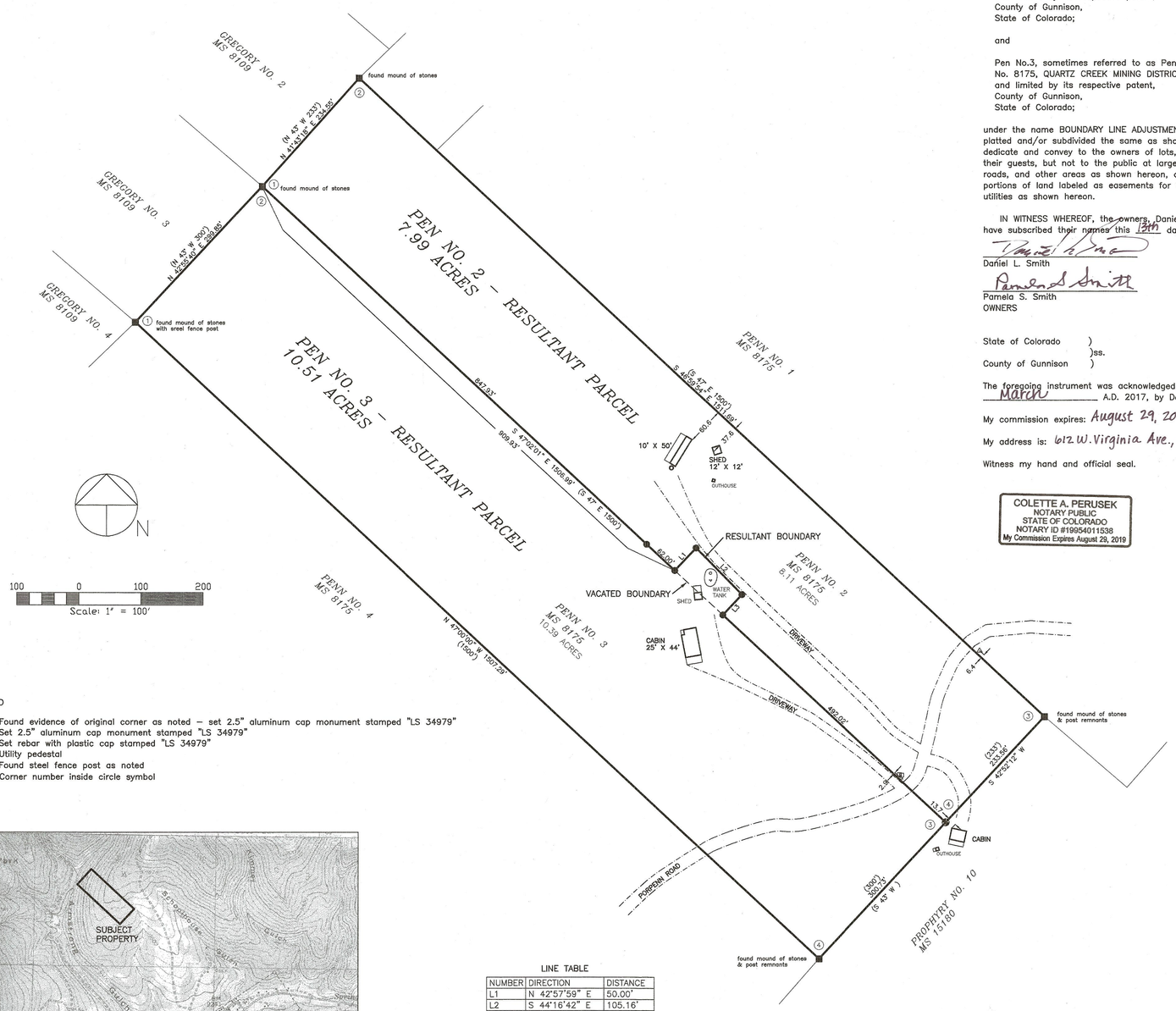
The County Attorney has reviewed the plat and the Assessors Department has reviewed the new legal description on the plat and will not require new warranty deeds.

You may view the file at:

http://204.132.78.100/citizenaccess/
Click on public access
Click on projects
Click on attachments
Use Application No. LUC-17-00006 (exactly)
View Attachments

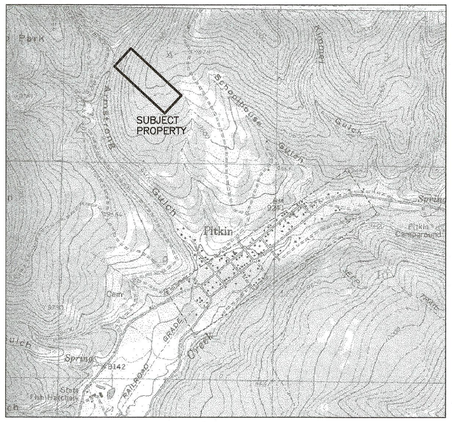
If you have any questions please call.

Thanks,
Beth Baker
Gunnison County Community Development



LEGEND

- ■ Found evidence of original corner as noted – set 2.5" aluminum cap monument stamped "LS 34979"
- Set 2.5" aluminum cap monument stamped "LS 34979"
- ● Set rebar with plastic cap stamped "LS 34979"
- Utility pedestal
- △ Found steel fence post as noted
- ◯ Corner number inside circle symbol



VICINITY MAP

LINE TABLE

NUMBER	DIRECTION	DISTANCE
L1	N 42°57'59" E	50.00'
L2	S 44°16'42" E	105.16'
L3	S 42°57'59" W	45.00'

NOTES: Property located by field measurements to found monuments shown.
Basis of bearings is N 47° W between found mouments on the southwest boundary (Line 4–1) of Penn No. 3

Record bearings and distances are shown in parentheses where they differ from measured bearings and distances.

DEDICATION

Daniel L. Smith and Pamela S. Smith, being the owners of the land described as follows:

Pen No.2, sometimes referred to as Penn No.2, Lode Mining Claim, US Survey No. 8175, QUARTZ CREEK MINING DISTRICT, said mining claim as defined and limited by its respective patent,
County of Gunnison,
State of Colorado;

and

Pen No.3, sometimes referred to as Penn No.3, Lode Mining Claim, US Survey No. 8175, QUARTZ CREEK MINING DISTRICT, said mining claim as defined and limited by its respective patent,
County of Gunnison,
State of Colorado;

under the name BOUNDARY LINE ADJUSTMENT – PEN NOS. 2 AND 3, have laid out, platted and/or subdivided the same as shown on this plat and do hereby permanently dedicate and convey to the owners of lots, tracts or parcels within this subdivision and their guests, but not to the public at large, the common right to use streets, alleys, roads, and other areas as shown hereon, and hereby permanently dedicate those portions of land labeled as easements for the installation and maintenance of public utilities as shown hereon.

IN WITNESS WHEREOF, the owners, Daniel L. Smith and Pamela S. Smith, have subscribed their names this 13th day of March, A.D. 2017.

Daniel L. Smith

Pamela S. Smith

Daniel L. Smith
Pamela S. Smith
OWNERS

State of Colorado)
)ss.
County of Gunnison)

The foregoing instrument was acknowledged before me this 13th day of March A.D. 2017, by Daniel L. Smith and Pamela S. Smith.

My commission expires: August 29, 2019

My address is: 612 W. Virginia Ave., Gunnison, Co 81230

Witness my hand and official seal.

Colette A. Perusek
Notary Public

COLETTE A. PERUSEK
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID #19954011538
My Commission Expires August 29, 2019

ATTORNEY'S OPINION

I, Robert M. O'Hayre, 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 the names of Daniel L. Smith and Pamela S. Smith, and is free and clear of all liens, defects, encumbrances, restrictions and reservations except as follows:

1. Patent reservations as set forth in United States Patent recorded May 30, 1972 in Book 439 at page 409;

2. Notice of the Formation and Organization of the Gunnison County Fire Protection District and the boundaries and territory to be included, set forth in instrument recorded April 22,1975 in Book 484 at page 274;

3. Covenants, conditions and restrictions as set forth in instrument recorded July 2, 1976 in Book 494 at page 683 and in instrument recorded October 12, 1976 in Book 496 at page 696, and amended in instruments recorded July 14, 1977 in Book 503 at page 731, July 14, 1977 in Book 504 at page 804, September 13,1977 in Book 506 at page 208, January 12, 1978 in Book 511 at page 622, April 14, 1978 in Book 514 at page 180 and July 24, 1978 in Book 517 at page 396 and Amendment to Conditions for Chicago Park/Quartz Creek Properties recorded April 25, 2007 as Reception No. 574641; together with any modifications or amendments thereto;

4. Utility easement 10 feet in width for the purpose of installation, maintenance, and repair of utilities, which easement shall be immediately contiguous to all boundaries of the subject matter claims as reserved to Chicago Park, Inc., a Colorado corporation (now known as Quartz Creek Properties, Inc.), in instrument recorded July 2, 1976 in Book 494 at page 683, in instrument recorded October 12, 1976 in Book 496 at page 696, and amended in instruments recorded July 14,1977 in Book 503 at page 731, July 14, 1977 in Book 504 at page 804, September 13, 1977 in Book 506 at page 208, January 12, 1978 in Book 511 at page 622, and April 14, 1978 in Book 514 at page 180, and Amendment to Conditions for Chicago Park/Quartz Creek Properties recorded April 25, 2007 as Reception No. 574641;

5. Dedication of Road and Utility Easements as dedicated in instrument recorded October 12, 1976 in Book 496 at page 701 ;

6. All reservations as contained in Warranty Deed from Quartz Creek Properties, Inc., a Colorado corporation, recorded July 16, 1977 in Book 503 at page 57;

7. Conflicts with adjoining or overlapping mining claims as may be adjudicated by a court of competent jurisdiction;

8. Terms and conditions in Notice recorded March 25, 2008 as Reception No. 582920;

9. Right of access is subject to terms, conditions, obligations and restrictions contained in plat bearing Reception No. 313301; and

10.Taxes for the current year due and payable in the following year.

This opinion does not address instruments affecting title but not recorded as of the date of this opinion.

Dated: March 9 ,2017.

Robert M. O'Hayre

Robert M. O'Hayre, Reg. No. 21998
O'HAYRE DAWSON, P .C.
120 N. Taylor Street, P.O. Box 179
Gunnison, CO 81230
Telephone: (970) 641–3326
www.guclaw.com

BOARD OF COUNTY COMMISSIONERS' APPROVAL

The within plat of the boundary line adjustment BOUNDARY LINE ADJUSTMENT – PEN NOS. 2 AND 3 is approved this _____ day of _____, A.D. 2017.

_____
Commissioner, Gunnison County Board of Commissioners

Attest: _____
Gunnison County Clerk and Recorder

GUNNISON COUNTY CLERK AND RECORDER'S ACCEPTANCE

This plat was accepted for filing in the office of the Clerk and Recorder of Gunnison County, Colorado, on this _____day of _____, A.D. 2017,
Reception Number _____Time _____

_____
Gunnison County Clerk and Recorder

SURVEYOR'S CERTIFICATE

I, Timothy E. Pearson, a registered land surveyor in the State of Colorado, certify that this plat and the survey referred to herein were made under my direction and control and that both are true and correct to the best of my knowledge.

Dated this 3rd day of March, A.D. 2017.

Timothy E. Pearson

Timothy E. Pearson
Colorado L.S. No. 34979

COLORADO REGISTERED
TIMOTHY E. PEARSON
34979
PROFESSIONAL LAND SURVEYOR

BOUNDARY LINE ADJUSTMENT
PEN NOS. 2 AND 3, MS 8175
within SECTION 4, T50N, R4E, NMPM
QUARTZ CREEK MINING DISTRICT
GUNNISON COUNTY, COLORADO

PEARSON SURVEYING
P.O. BOX 652
GUNNISON, CO 81230
970–641–2910
PROJECT # 16–1–8

DATE : 11/15/16
LATEST REVISION DATE : 2/7/17

SHEET 1 OF 1