AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Lot Cluster Request; Scarp Ridge LLC; Tract S.T.A

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement:

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

Summary:

Scrap Ridge LLC request to cluster lots in Irwin

Fiscal Impact:

Submitted by: Beth **Submitter's Email Address:** bakerbeth3@gmail.com

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: 3/16/2017 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: Lot Cluster Request

Scarp Ridge LLC has submitted a lot cluster request to complete the lot cluster approved by the BOCC, June 1, 2004. Brookway Irwin LLC was the owner at that time and has since sold to Scarp Ridge LLC. This cluster was approved by the BOCC with the caveat that, "an additional 1.14 acres is being acquired from the Forest Service through their land transaction process. That acreage will need to be cluster once that process is complete," as noted in the original lot cluster- in 5 a and 5b, of the document.

With this request the requirements set forth in the above referenced lot cluster will be complete.

You may view the file at:

http://204.132.78.100/citizenaccess/

Click- public access
Click-project
Click Application No.
Use – LUC-17-00001 (exactly)
View attachments

.

March 14, 2017

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http://204.132.78.100/citizenaccess/

Click- public access
Click-project
Click Application No.
Use – LUC-17-00001 (exactly)
View attachments

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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 : Scarp Ridge L.L.C.		
PRIMARY CONTACT: David Leinsdorf		
MAILING ADDRESS: P.O. Box 187		
CITY: Crested Butte	**STATE:** Colorado	**ZIP:** 81224
PHONE (home): 970-349-6540	**(cell):** 970-275-2502	
E-MAIL ADDRESS: david81224@gmail.com	**E-MAIL ADDRESS:**	

1. **OWNERS LEGAL DESCRIPTION:**

See attached **Exhibit A.**

–

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)

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: 2/14/2017

David Leinsdorf
Attorney

Owner/ Applicant

Date: _____

_____
Owner/ Applicant

AUTHORIZATIONS

Date: 3/14/17

David Baumgartner
Gunnison County Attorney

Date: _____

_____
Gunnison County Community Development Director

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

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 N/A.

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." N/A.

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

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. N.A.

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. N.A.

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. Off grid

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.
- ☐ The lots immediately adjacent to all boundaries of the lots that will be clustered.

The following Lode Mining Claims in the Ruby Mining District, County of Gunnison, State of Colorado:

Clara, M.S. 2801
Zumo, M.S. 2702
Fourth, of July M.S. 3467
Capitol, M.S. 3466
Aumego, M.S. 2703

and

Tract S.T.A. 0440 Parcel 1, located in Section 34, protracted Township 13 South, Range 87 West, 6th P.M., described as follows:

Commencing at Corner 4 of the Zumo Lode, M.S. 2702, monumented with a standard U.S. Forest Service aluminum cap on rebar, the Point-of-Beginning; thence N 23°52'30"E, 1053.99 feet along line 4-3 of said Zumo Lode to the point of intersection with line 1-4 of the Fourth of July Lode, M.S. 3467, AP 1, S.T.A. 0440, Parcel 1, monumented with a standard U.S. Forest Service aluminum cap on rebar; thence S 89°58'56"E, 34.95 feet along line 1-4 of said Fourth of July Lode to the point of intersection with line 4-1 of the Clara Lode, M.S. 2801, AP 2, S.T.A. 0440, Parcel 1, monumented with a standard U.S. Forest Service aluminum cap on rebar; thence S 22°33'48"W, 1,068.12 feet along line 4-1 of said Clara Lode to the point of intersection with the extension of line 1-4 of said Zumo Lode, AP 3, S.T.A. 0440, Parcel 1, monumented with a standard U.S. Forest Service aluminum cap on rebar; thence N 66°24'37"W, 56.41 feet along the said extension of line 1-4 of said Zumo Lode to the Point-of-Beginning,

County of Gunnison,
State of Colorado.

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Page: 1 of 4
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LOT CLUSTER AGREEMENT AND DECLARATION
GUNNISON COUNTY, COLORADO

THIS LOT CLUSTER AGREEMENT AND DECLARATION is made this 1st day of June, 2004 by and between the Board of County Commissioners of the County of Gunnison, Colorado (hereinafter "Gunnison County") and **Brookway Irwin LLC,** (jointly and severally) (hereinafter "Owner").

RECITALS:

1. The undersigned (are) the owner of the following described properties;

Clara M.S. 2801, Zumo M.S. 2702, Fourth of July M.S. 3467, Capitol M.S. 3466 and Aumego M.S. 2702 And any adjacent street or alley that is or may be vacated.
Except for 1.14 acres of land located between the Zumo M.S. 2702 and Clara M. S. 2801, further described as a strip of land approximately 1.14 acres located in E1/2NW1/4 SEC 34 T13S R87W 6th P.M. , and illustrated in the document titled, " Irwin Mountain Lodge Plat Map For Lot Cluster Application," dated January 6, 2004, attached hereto and incorporated herein.
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 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 Agreement 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 Agreement is or shall be construed to be a waiver of applicable County building, sanitary or other permit requirements.

4. This 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, Gunnison Colorado.

5. Brookway Irwin, LLC as owner and Gunnison County agree that;

a. Owner shall make best efforts to obtain title to the parcel described as 1.14 acres of land located between the Zumo M.S. 2702 and Clara M. S. 2801, further described as a strip of land approximately 1.14 acres located in E1/2NW1/4 SEC 34 T13S R87W 6th P.M. , and illustrated in the document titled, "

Irwin Mountain Lodge Plat Map For Lot Cluster Application," dated January 6, 2004, attached hereto and incorporated herein.
County of Gunnison,
State of Colorado.

b. Immediately upon owner obtaining title to such parcel, owner shall initiate an application with Gunnison County to cluster such parcel with the parcels clustered by this Lot Cluster Agreement and Declaration, Gunnison County, Colorado.

Date: 5-11-04

Margaret (Missy) Fowle as agent for Brookway Irwin LLC Owner

Date: _____

Owner

STATE OF COLORADO)
)ss
COUNTY OF GUNNISON)

KRISTINA FRERICHS
NOTARY PUBLIC
STATE OF COLORADO
My Commission Expires Nov. 26, 2005

The foregoing instrument was acknowledged before me this 11th day of May 20___ **by Margaret (Missy) Fowle as agent for Brookway Irwin LLC Owner**

Witness my hand and official seal.

My Commission expires: 11/26/2005

Notary Public
Address: #10 Crystal Rd., Unit-Left

Date: _____

Commissioner Commissioner Commissioner

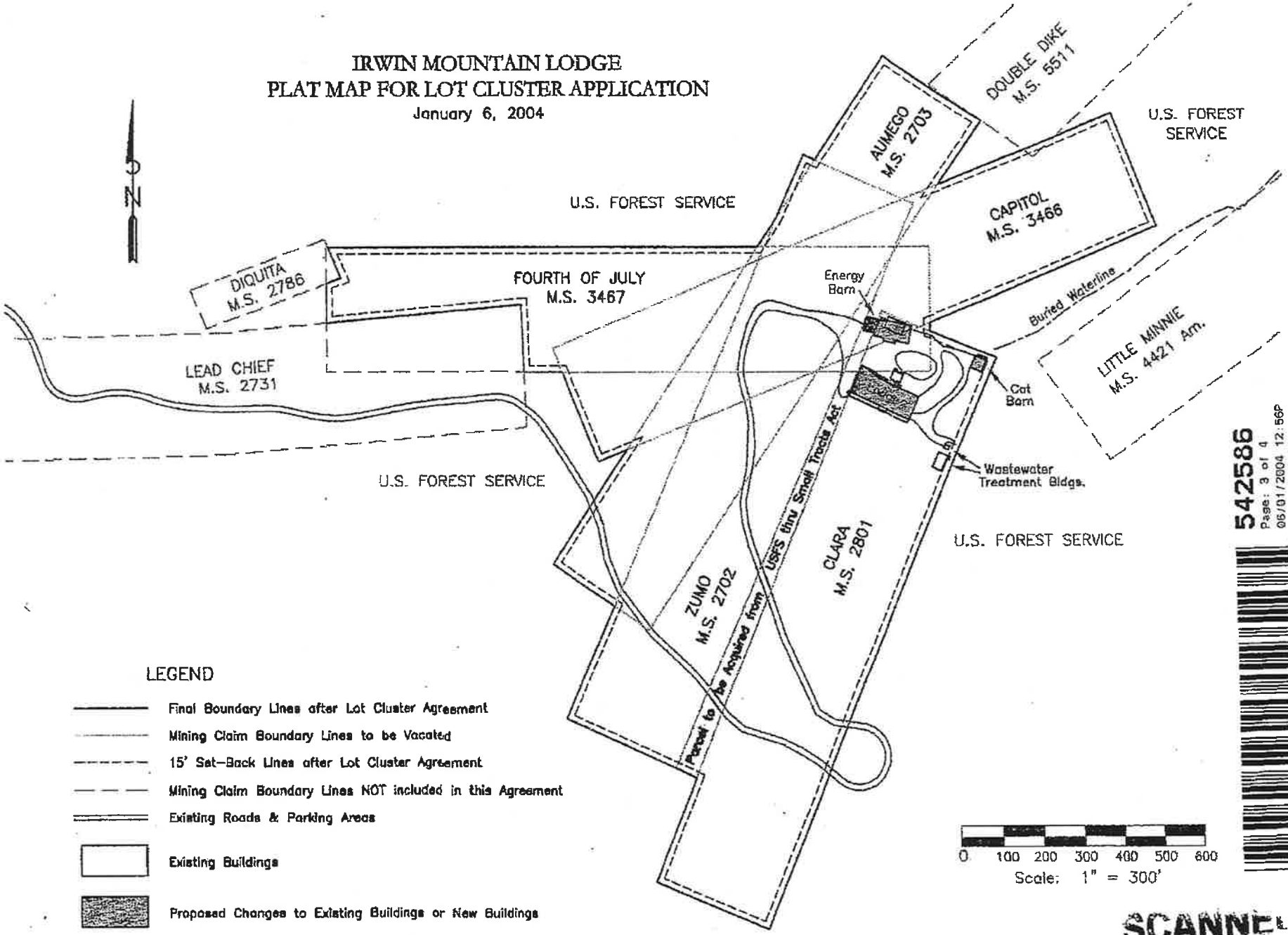
Board of County Commissioners
Gunnison County, Colorado

Attest:
Gunnison County Clerk and Recorder

GUNNISON COUNTY SEAL COLORADO

05/01/01

IRWIN MOUNTAIN LODGE
PLAT MAP FOR LOT CLUSTER APPLICATION
January 6, 2004



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Page: 3 of 4
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SCANNED

Resolution Appointing Officer

The undersigned being the sole member and the manager of Brookway Irwin, LLC (the "Company") hereby adopts the following resolutions:

WHEREAS, the Company desires to appoint Margaret "Missy" Fowle as an officer (but not as a member) of the Company with the authority to transact certain business of behalf of the company;

NOW, THEREFORE, BE IT RESOLVED, that Margaret "Missy" Fowle shall be, and she hereby is, elected as Vice President and Treasurer of the Company, to hold such office until her successor has been elected and qualified, or until her earlier death, resignation or removal.

NOW, THEREFORE, BE IT SPECIFICALLY RESOLVED, that Margaret "Missy" Fowle shall be and she hereby is, authorized to apply and approve as the Company agent, the Lot Clustering agreement with the County of Gunnison Planning Department.

RESOLVED, that Margaret "Missy" Fowle as Vice-President and Treasurer of the Company be, and here by is, authorized to sign and execute in the name of the Company all applications, contracts, leases, and documents or instruments in writing that may be required in the ordinary course of the business of the Company and that may be necessary to secure for the operation of the company affairs, governmental permits and licenses for, and incidental to, the lawful operations of the business of the Company, and to do such acts and things as such officer deems necessary or advisable to fulfill such legal requirements as are applicable to the Company and its business; provided, however that she shall not be permitted to enter in contracts, financing arrangements or other obligations on behalf of the Company that exceed $100,000.00 without prior written consent of Manager.

SCANNED

Archibald Cox Jr. 22 March 2004

Archibald Cox, Jr.
Sole Member and Manager

Date

DORIAN A. VERGOS
Notary Public, State of New York
No. 31-4926337
Qualified in New York County
Commission Expires August 15, 2006

State of New York
County of New York

On this 22 of March 2004, Archibald Cox Jr. personally appeared before me, who is personally known to me to be the signer of the above instrument, and he/she acknowledges that he/she signed it.

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")

Scarp Ridge L.L.C., a Delaware limited liability company

_____ _____

(Owner) **(Owner)**

RECITALS:

Legal Description: Complete – please attach if too long

The property described on attached **Exhibit A**

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*.

SIGNED this _____ day of _____, 2017

Scarp Ridge L.L.C., a Delaware limited liability company

By:_____
John Featherman
Managing Director, Assets and Development

STATE OF COLORADO)
)ss.
COUNTY OF GUNNISON)

The foregoing Lot Cluster Agreement and Declaration was acknowledged before me this ____ day of _____, 2017, by John Featherman, Managing Director, Assets and Development, of Scarp Ridge L.L.C., a Delaware limited liability company.

Witness my hand and official seal.
My commission expires:

_____
Notary Public

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: _____

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

Board of County Commissioners
Gunnison County, Colorado

Attest:

_____
Gunnison County Clerk and Recorder

The following Lode Mining Claims in the Ruby Mining District, County of Gunnison, State of Colorado:

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Zumo, M.S. 2702
Fourth, of July M.S. 3467
Capitol, M.S. 3466
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and

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