AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Boundary Line Adjustment Request; Lots S-177, S178

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement:

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

Summary:

M6 LLC, Grandslam39 Properties, LLC and Gilbert and Virginia Burciaga, represented by David Leinsdorf, have submitted a boundary line adjustment for Lots S-177, S-178 and Lot S179, Skyland – Third Filing, Phase 1.

Fiscal Impact:

Submitted by: Neal Starkebaum **Submitter's Email Address:** nstarkebaum@gunnisoncounty.org

Finance Review: ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ◉ Required ○ Not Required

Comments:
ok db 3/2/18

Reveiwed by: GUNCOUNTY1\dBaumgarten Discharge Date: 3/2/2018 Certificate of Insurance Required

Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 3/2/2018

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

Agenda Date: 3/6/2018

Revised April 2015

Gunnison County Community
Development Department
Offices of Planning, Building and Environmental Health
221 N. Wisconsin St., Ste. D
Gunnison, CO 81230
Phone: (970) 641-0360 Fax: (970)641-8585

February 27, 2018

TO: **Board of County Commissioners**
Matthew Birnie, County Manager
David Baumgarten, County Attorney

FROM: **Neal Starkebaum**
Assistant Director

SUBJECT: **M6 LLC, Grandslam39 Properties, LLC & Gilbert and Virginia Burciaga Boundary Line Adjustment**
Lots S-177, S-178 and S-179, Skyland – Third Filing, Phase 1

M6 LLC, Grandslam39 Properties, LLC and Gilbert and Virginia Burciaga, represented by David Leinsdorf, have submitted a boundary line adjustment for Lots S-177, S-178 and Lot S179, Skyland – Third Filing, Phase 1.

Attachment:
Boundary Line Adjustment Plat

SKYLAND LOT S-178
BOUNDARY LINE ADJUSTMENT PLAT

LOCATED WITHIN
NW1/4 NE1/4 SECTION 1, TOWNSHIP 14 SOUTH, RANGE 86 WEST
OF THE 6TH PRINCIPAL MERIDIAN
GUNNISON COUNTY, COLORADO

ATTORNEY'S OPINION

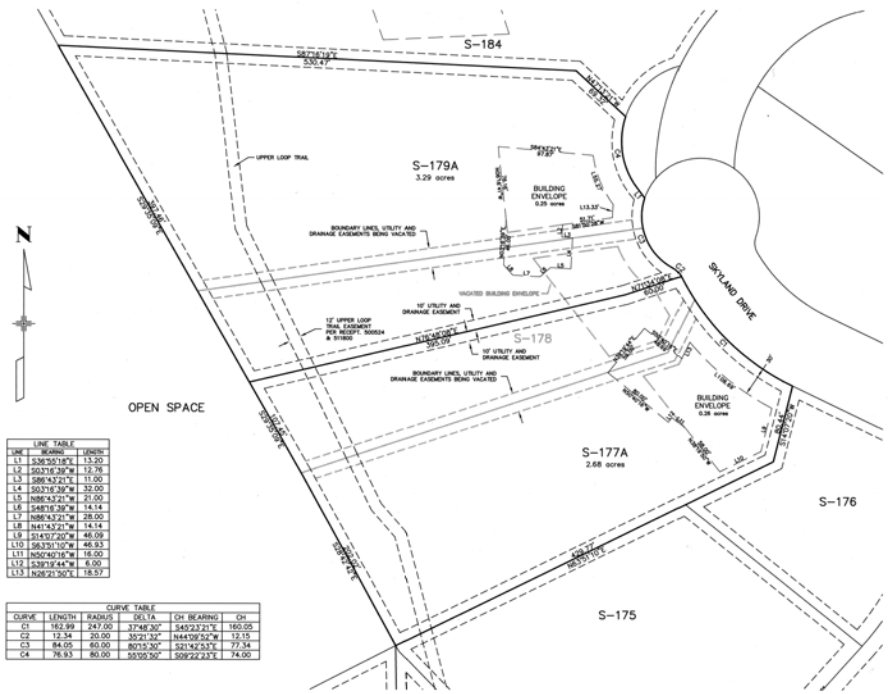
I, David Leinsdorf, attorney at law duly licensed to practice in the State of Colorado, hereby certify that I have examined title to all lands herein dedicated and subdivided. Title to Lot S-178 is vested in TZEEDEK, LLC, a Delaware limited liability company, and is free and clear of all liens, defects, and encumbrances, restrictions and reservations except as follows:

1. Reservations as contained in the United States Patents;
2. Any taxes, fees, assessments or charges by reason of the inclusion of the subject property within Skyland Metropolitan District and East River Regional Sanitation District;
3. Covenants, conditions, and restrictions set forth in the Declaration of Protective Covenants of Skyland, Initial Filing recorded in Book 574 at page 141, and in the Notice of Amendment of Declaration of Protective Covenants recorded in Book 798 at page 710;
4. Certification recorded in Book 576 at page 164 and recorded as Reception No. 473133, Notice of Amendment of Declaration of Protective Covenants recorded as Reception No. 551122 and Resolution recorded as Reception No. 608447;
5. Terms, conditions, reservations and easements in instrument recorded in Book 785 at page 323 and re-recorded in Book 787 at page 103;
6. Public Notice recorded at Reception No. 487522;
7. Findings and conditions set forth in Resolution No. 8, series 2000 by the Board of County Commissioners recorded at Reception No. 500519;
8. Any and all easements and building envelopes as contained on the Plat of Skyland - Third Filing, Phase 1 recorded at Reception No. 500522;
9. Covenants, conditions and restrictions set forth in the Special Covenants of Skyland - Third Filing recorded at Reception No. 500523 and Resolution recorded as Reception No. 608447;
10. Certification recorded in Book 576 at page 164, and Supplemental Certification recorded in Book 595 at page 76;
11. Development Agreement and Agreement for Purchase of Infrastructure Improvements recorded in Book 652 at page 861;
12. Infrastructure Capital Improvement Fee Resolution recorded in Book 652 at page 890;
13. Resolution of the Board of Directors of Skyland Metropolitan District recorded in Book 691 at page 782;
14. Agreement Respecting Development recorded in Book 789 at page 905;
15. Deed, Grant of Licenses, Reservation and Grant of Easements and Option Agreement recorded in Book 785 at page 323, and re-recorded in Book 787 at page 103;
16. Public Notice recorded as Reception No. 487522;
17. Utility Easement recorded as Reception No. 509166;
18. Trail Easement Agreement recorded as Reception No. 500524 and Amendment recorded as Reception No. 511800;
19. Development Improvements Agreement recorded as Reception No. 500525 and Release recorded as Reception No. 527002;
20. Board of County Commissioners Resolution No. 12 Series 2004 recorded as Reception No. 539138;
21. Special District Disclosure recorded as Reception No. 630679 and Special District Disclosure recorded as Reception No. 630687;
22. Memorandum Regarding a Resolution of the Board of Directors of Skyland Metropolitan District Concerning the Imposition of Various Fees, Rates, Penalties, and Charges recorded as Reception No. 631158; and
23. Real property taxes for the year 2017 due and payable in the year 2018.

Title to Lot S-177 is vested in Gilbert Burciaga and Virginia Burciaga and title to Lot S-179 is vested in GrandSlam39 Properties, LLC, a Texas limited liability company. Lots S-177 and S-179 are subject to the same 23 exceptions to title that apply to Lot S-178.

Dated this 12 day of December, 2017

David Leinsdorf, Attorney Reg #2740
P.O. Box 187, 215 Elk Avenue, 3rd Floor
Crested Butte, CO 81224-0187
Phone: (970) 349-6111
Fax: (970) 349-6243
davidl81224@gmail.com



LINE TABLE		
LINE	BEARING	LENGTH
L1	S36°56'18"E	13.20
L2	S03°16'39"W	12.76
L3	S86°43'21"E	11.00
L4	S03°16'39"W	32.00
L5	N86°43'21"W	21.00
L6	S48°16'39"W	14.14
L7	N86°43'21"W	28.00
L8	N41°43'21"W	14.14
L9	S1°43'20"W	46.09
L10	S63°51'10"W	46.93
L11	N50°40'16"W	16.00
L12	S39°19'44"W	6.00
L13	N26°21'50"E	18.57

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CH BEARING	CH
C1	162.99	247.00	37°48'30"	S45°23'21"E	160.05
C2	12.34	20.00	35°21'32"	N44°06'52"W	12.15
C3	84.05	60.00	80°15'30"	S21°42'53"E	77.34
C4	76.93	80.00	55°05'50"	S09°22'23"E	74.00

DEDICATION

TZEDEK, LLC, a Delaware limited liability company, being the owner of the land described as follows:

Lots S-178, SKYLAND - THIRD FILING, PHASE 1, according to the official Plat thereof recorded March 24, 2000, bearing Reception No. 500522, County of Gunnison, State of Colorado (1.70 Acres ±).

Under the name of, SKYLAND LOT S-178 BOUNDARY LINE ADJUSTMENT, hereby permanently dedicates to the public at large the trail shown hereon and permanently dedicates those portions of land labeled as easements for the installation and maintenance of public utilities as shown hereon.

In witness whereof, Richard Devine as Agent Member of TZEDEK, LLC, a Delaware limited liability company, has subscribed his name this 2 day of December, A.D. 2017.

TZEDEK, LLC, a Delaware limited liability company

By: _____
Name: RICHARD DEVINE
Title: Agent Member

State of Colorado)
)ss.
County of Gunnison)

The foregoing Dedication was acknowledged before me this 2nd day of December, A.D. 2017, by Richard Devine as Agent Member of TZEDEK, LLC, a Delaware limited liability company.

Witness my hand and official seal.
My commission expires:

Notary Public

DAVID LEINSDORF
Notary Public - State of Colorado
Notary ID 19984014706
My Commission Expires Sep 16, 2020

CONSENT OF LOT S-177 OWNERS

Gilbert Burciaga and Virginia Burciaga, being the owners of the land described as follows:

LOT S-177, SKYLAND - THIRD FILING, PHASE 1 according to the official Plat thereof recorded March 24, 2000, bearing Reception No. 500522, County of Gunnison, State of Colorado,

hereby approve and consent to all terms, conditions and provisions set forth on this Boundary Line Adjustment Plat.

In witness whereof, Gilbert Burciaga and Virginia Burciaga have subscribed their names this 5th day of February, A.D. 2017, 2018

Gilbert Burciaga Virginia Burciaga

State of TEXAS)
)ss.
County of TRAVIS)

The foregoing Consent was acknowledged before me this 5th day of February, A.D. 2017, by Gilbert Burciaga and Virginia Burciaga.

Witness my hand and official seal.
My commission expires:

Notary Public

ID #: 130458822-4
COREY MATTHEW PETTY
Notary Public, State of Texas
My Commission Expires
March 18, 2019

CONSENT OF LOT S-179 OWNER

GrandSlam39 Properties, LLC, a Texas limited liability company, being the owner of the land described as follows:

LOT S-179, SKYLAND - THIRD FILING, PHASE 1 according to the official Plat thereof recorded March 24, 2000, bearing Reception No. 500522, County of Gunnison, State of Colorado,

hereby approves and consents to all terms, conditions and provisions set forth on this Boundary Line Adjustment Plat.

In witness whereof, Robert E. McCabe as Manager of GrandSlam39 Properties, LLC, a Texas limited liability company, has subscribed his name this 21 day of December, A.D. 2017.

GrandSlam39 Properties, LLC,
a Texas limited liability company

By: _____
Robert E. McCabe as Manager

State of Colorado)
)ss.
County of Gunnison)

The foregoing Consent was acknowledged before me this 21 day of December, A.D. 2017, by Robert E. McCabe as Manager of GrandSlam39 Properties, LLC, a Texas limited liability company.

Witness my hand and official seal.
My commission expires: 1/24/2021

Notary Public

ELIZABETH E. MALONEY BERNHOLTZ
Notary Public - State of Colorado
Notary ID 20004012321
My Commission Expires Jan 24, 2021

LAND SURVEYOR'S CERTIFICATE

I, Norman C. Whitehead, being a registered land surveyor in the State of Colorado, do hereby certify that the survey of this Replat was made by me and under my supervision and is accurate to the best of my knowledge.

Dated this 11th day of December, 2017.

COLORADO LICENSED
NORMAN C. WHITEHEAD
27739
PROFESSIONAL
LAND SURVEYOR

Norman C. Whitehead, P.E.-P.L.S.
Colorado No. 27739

NOTES

1. 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 on any defect in this survey be commenced more than ten years from the date of the surveyor's certificate shown hereon.
2. Under Colorado's Fence Law, C.R.S. Title 35, Article 46, lot owners are hereby notified that fencing out livestock is the responsibility of the Skyland Community Association or lot owners. Skyland Community Association is responsible for maintaining the perimeter fence around Skyland.
3. Animals must be controlled by kenneling, leashing or other physical restraint. Any expense of enforcing domestic animal control restrictions by Gunnison County shall be at the expense of the Skyland Community Association.
4. An irrigation ditch owner has the right to enter the designated irrigation ditch maintenance easement, maintain the ditch and leave natural debris on the bank of the ditch.

BOARD OF COUNTY COMMISSIONERS APPROVAL

This Replat of Lots S-177, S-178 and S-179, Skyland - Third Filing Gunnison, is approved

this _____ day of _____, 2017.

_____
Chairperson

Attest:

_____
County Clerk

GUNNISON COUNTY CLERK AND RECORDER'S ACCEPTANCE

This Building Site Adjustment Plat for Lot 16, Gunnison Riverbanks Ranch, is accepted this _____ day of _____, 2008. Reception No. _____ Time _____.

_____
County Clerk

SKYLAND LOT S-178
BOUNDARY LINE ADJUSTMENT PLAT
GUNNISON COUNTY, COLORADO

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

PROJECT: 17178.00	DWG.: 178SKY
DATE: 12/11/17	SHEET 1 OF 1