AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Lot Cluster Request; Lots 23 and 24 Dos Rios Gunni

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement:

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

Summary:

Lot Cluster lots 23 & 24 Dos Rios Homesites Unit No. 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 db 4/25/18

Reveiwed by: Discharge Date: 4/27/2018 Certificate of Insurance Required Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 4/27/2018

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

Agenda Date: 5/1/2018

Revised April 2015

Community and Economic Development Department

April 23, 2018

RE: Lot Cluster Application- Lots 23 and 24 Dos Rios Gunnison Homesites Unit No. 1

Bernard and Ann Goldberg have applied to cluster their lots, 23 and 24 Dos Rios Gunnison Homesites Unit No. 1. The subdivision is served by Dos Rios water and sanitation, so no well or septic systems. The County Attorney and Assistant Community Development Director have both reviewed and approved the request. The utility companies have no issues.

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

- Click on projects
- Click on application number
- Use – LUC-18-00012 (exactly)
- Click on file
- Click on attachments
- View any document in the file

If you have any questions or comments please contact me.

Thanks,

Beth Baker-bbaker@gunnisoncounty.org
Gunnison County Community and Economic Development Department

LUC-18-0012

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- $265.00

APPLICANT/ Owners : **Bernard Goldberg Trust No. 1 and Ann M. Goldberg Trust No. 1** **PRIMARY CONTACT: Bernard and Ann Goldberg**		
MAILING ADDRESS: 474 Monte Vista Dr.		
CITY: Gunnison	**STATE: Co.**	**ZIP: 81230**
PHONE (home): 970-641-3024	**(cell): 970-765-5003**	
E-MAIL ADDRESS: **berniegoldberg@gunnison.com**	**E-MAIL ADDRESS: anngoldberg@gunnison.com**	

1. **OWNERS LEGAL DESCRIPTION.** The undersigned (is) (are) the owner (s) of the following described adjacent parcels of real property in Gunnison County, Colorado **(insert or attach the full legal description):**

Lots 23 and 24
Dos Rios Gunnison Homesites Unit No. 1
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

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."

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.

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.

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: 4-19-18 Bernard Goldberg

Owner/ Applicant
Bernard Goldberg Trust No. 1 by Bernard Goldberg Trustee

Date: 4-19-18 Ann M. Goldberg

Owner/Applicant
Ann M Goldberg Trust No. 1 by Ann M. Goldberg Trustee

AUTHORIZATIONS

Date: 4/20/18 David Barnegatton

Gunnison County Attorney

Date: 4-23-18

Gunnison County Community Development Director

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

From:	Marlene Crosby
To:	Beth Baker
Subject:	FW: Easements
Date:	Thursday, April 12, 2018 8:45:13 PM

Beth,
Please consider this e-mail our approval of the Goldberg lot cluster request. The Gunnison County Utility Department does not require any easements.
Marlene

From: Mark Templeton
Sent: Thursday, April 12, 2018 8:13 AM
To: Marlene Crosby <MCrosby@gunnisoncounty.org>; Jack Barker <JBarker@gunnisoncounty.org>
Subject: RE: Easements

Hi Marlene,

Both the water main and the sewer main are in Monte Vista Road. Several years ago Bernie had to install a lift station because his sewer service line was so shallow and he had no grade on the main line. Every winter his line would freeze because of bellies in his sewer line and not much grade.
The lift station is located partially on lot 24 and partially on lot 23. It his lift station to maintain.
The only this that exits on lot 23 is a curb stop for that lot.
This morning I am going to find and confirm the curb stop and make sure it has a blue tee post marking its location.

If you need anything else, please let me know.

Mark T

Mark Templeton, Utility Manager
Gunnison County Public Works
38130 Hwy 50 | Gunnison Co 81230
Ph / Fax: (970) 641-8565 Cell: (970) 209-4241

From: Marlene Crosby
Sent: Wednesday, April 11, 2018 2:36 PM
To: Mark Templeton; Jack Barker
Subject: Easements

Good Afternoon,

Bernie Goldberg has applied to cluster the two lots he owns in Dos Rios Filing One. Please check your water and sewer line locations and let me know if we need to request an easement or if the lines just serve that parcel.
Marlene

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 Bernard Goldberg Trust No. 1
Bernard Goldberg Trustee

Ann M. Goldberg Trust No. 1
Ann M Goldberg Trustee

Legal Description: Complete – please attach if too long

Lots 23 and 24
Dos Rios Gunnison Homesites Unit No. 1
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 Individual Sewage Disposal 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: 4-19-18

Bernard Goldberg

Bernard Goldberg Trust No. 1, Bernard Goldberg Trustee (owner)

Date: 4-19-18

Ann M. Goldberg

Ann M. Goldberg Trust No. 1, Ann M. Goldberg Trustee (owner)

STATE OF COLORADO)
)ss
COUNTY OF GUNNISON)

The foregoing instrument was acknowledged before me this 19th day of April 2018 by Bernard Goldberg Trust No. 1, Bernard Goldberg Trustee and Ann M Goldberg Trust No. 1, Ann M. Goldberg Trustee- (owners)

Witness my hand and official seal.

My Commission expires: June 10, 2019

Alex Whitney
Notary Public

ALEXANDER LEE WHITNEY
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID #20154022802
My Commission Expires June 10, 2019

Phil Chamberland
Chairperson

Jonathan Houck
Commissioner

John Messner
Commissioner

Board of County Commissioners
Gunnison County, Colorado

Attest:

Gunnison County Clerk and Recorder

488918 11/25/1998 01:59P 319
1 of 1 R 6.00 D 0.00 N 0.00 Gunnison County

STATE DOCUMENTARY FEE
DATE NOV 25 1998
NO FEE

QUIT CLAIM DEED

THIS DEED is made 6 August 98, 1998, between Bernard Goldberg and Ann M. Goldberg, of Gunnison County, Colorado (collectively, Grantor) and Bernard Goldberg and Ann M. Goldberg, or their successors, as trustees of the Bernard Goldberg Trust No. 1 and the Ann M. Goldberg Trust No. 1, both of Gunnison County, Colorado, the legal address for both of which is 474 Monte Vista, Colorado 81230. The Bernard Goldberg Trust No. 1 and the Ann M. Goldberg Trust No. 1 are collectively referred to as Grantee, and shall take title as tenants in common.

WITNESSETH, that Grantor, for and in consideration of the funding of the Bernard Goldberg Trust No. 1 and the Ann M. Goldberg Trust No. 1, has remised, released, sold, conveyed, and QUIT CLAIMED, and by these presents does remise, release, sell, convey, and QUIT CLAIM unto Grantee, its heirs, successors, and assigns forever, all the right, title, interest, claim, and demand which Grantor has in and to the real property, together with improvements, if any, situate, lying and being in Gunnison County, Colorado, described as follows:

Lots 23 and 24, DOS RIOS GUNNISON HOMESITES UNIT NO. 1

TO HAVE AND TO HOLD the same, together and all and singular the appurtenances and privileges thereunto belonging or in anywise thereunto appertaining, and all the estate, right, title, interest, and claim whatsoever, of Grantor, either in law or equity, to the only proper use, benefit, and behoof of Grantee, its heirs and assigns forever.

The use of the singular shall include the plural, the plural shall include the singular, and the use of any gender or the neuter shall be applicable to all genders.

IN WITNESS WHEREOF, Grantor has executed this deed on the date specified.

Bernard Goldberg

Ann M. Goldberg

STATE OF COLORADO)
) ss.
COUNTY OF GUNNISON)

The foregoing instrument was acknowledged before me on August 6, 1998, by Bernard Goldberg and Ann M. Goldberg.

Witness my hand and official seal. My commission expires July 15, 2000.

[SEAL]

Notary Public

Reference is made to two affidavits under CRS 38-30-166 pertaining to the Ann Goldberg Trust No. 1 and the Bernard Goldberg Trust No., recorded with the Clerk and Recorder of Gunnison County, at Reception No's. 488491 and 488492, respectively.

488491 11/09/1998 12:16P 537
1 of 2 R 11.00 D 0.00 N 0.00 Gunnison County

AFFIDAVIT PURSUANT TO C.R.S. 38-30-166

Ann Goldberg, being first duly sworn upon oath, deposes and says:

1. The Ann Goldberg Trust No. 1, created by agreement dated August 6, 1998, as it may be amended from time to time (the "Trust"), is the name of an existing trust which may acquire, convey, encumber, lease and otherwise deal with interests in real property in the name of the Trust.

2. The names and address of the current Trustees of the Trust are:

Ann Goldberg	474 Monte Vista, Colorado 81230
Bernard Goldberg	474 Monte Vista, Colorado 81230

3. Successor Trustees include the following:

Michael R. Goldberg

4. The Trustees are empowered to acquire, convey, encumber, lease and otherwise act on behalf of the Trust insofar as the same affects title to any interest of the Trust in real property.

5. The real property in the County of Gunnison, State of Colorado to which this affidavit related is described as follows:

Parcel 1:

Lots 23 and 24, in Block 12, in the City of Gunnison, according to the official plat of ORIGINAL GUNNISON on file and of record in the office of the County Clerk and Recorder of Gunnison County, Colorado

Parcel 2:

Lots 23 and 24, DOS RIOS GUNNISON HOMESITES UNIT NO. 1

6. The affiant, Ann Goldberg, is a trustee of the Trust and has authority to execute and record this affidavit.

Ann Goldberg

Ann Goldberg

488491 11/09/1998 12:16P 537
2 of 2 R 11.00 D 0.00 N 0.00 Gunnison County

Ann Goldberg

STATE OF COLORADO)
) ss.
COUNTY OF Gunnison)

The foregoing instrument was subscribed and sworn to before me on [illegible], 1998 by Ann Goldberg, a Trustee of The Ann Goldberg Trust No. 1.

Witness my hand and official seal.

My commission expires 11-11-2001.

Imbra Taramarcaz
Notary Public

IMBRA TARAMARCAZ NOTARY PUBLIC STATE OF COLORADO

488492 11/09/1998 12:16P 537
1 of 2 R 11.00 D 0.00 N 0.00 Gunnison County

AFFIDAVIT PURSUANT TO C.R.S. 38-30-166

Bernard Goldberg, being first duly sworn upon oath, deposes and says:

1. The Bernard Goldberg Trust No. 1, created by agreement dated August 6, 1998, as it may be amended from time to time (the "Trust"), is the name of an existing trust which may acquire, convey, encumber, lease and otherwise deal with interests in real property in the name of the Trust.

2. The names and address of the current Trustees of the Trust are:

Bernard Goldberg	474 Monte Vista, Colorado 81230
Ann Goldberg	474 Monte Vista, Colorado 81230

3. Successor Trustees include the following:

Michael R. Goldberg

4. The Trustees are empowered to acquire, convey, encumber, lease and otherwise act on behalf of the Trust insofar as the same affects title to any interest of the Trust in real property.

5. The real property in the County of Gunnison, State of Colorado to which this affidavit related is described as follows:

Parcel 1:

Lots 23 and 24, in Block 12, in the City of Gunnison, according to the official plat of ORIGINAL GUNNISON on file and of record in the office of the County Clerk and Recorder of Gunnison County, Colorado

Parcel 2:

Lots 23 and 24, DOS RIOS GUNNISON HOMESITES UNIT NO. 1

6. The affiant, Bernard Goldberg, is a trustee of the Trust and has authority to execute and record this affidavit.

Bernard Goldberg

Bernard Goldberg

488492 11/09/1998 12:16P 537
2 of 2 R 11.00 D 0.00 N 0.00 Gunnison County

Bernard Goldberg

STATE OF COLORADO)
) ss.
COUNTY OF Gunnison)

The foregoing instrument was subscribed and sworn to before me on Oct 16, 1998 by Bernard Goldberg, a Trustee of The Bernard Goldberg Trust No. 1.

Witness my hand and official seal.

My commission expires 11-16-2001.

Imbra Taramarcaz
Notary Public

IMBRA TARAMARCAZ NOTARY PUBLIC STATE OF COLORADO

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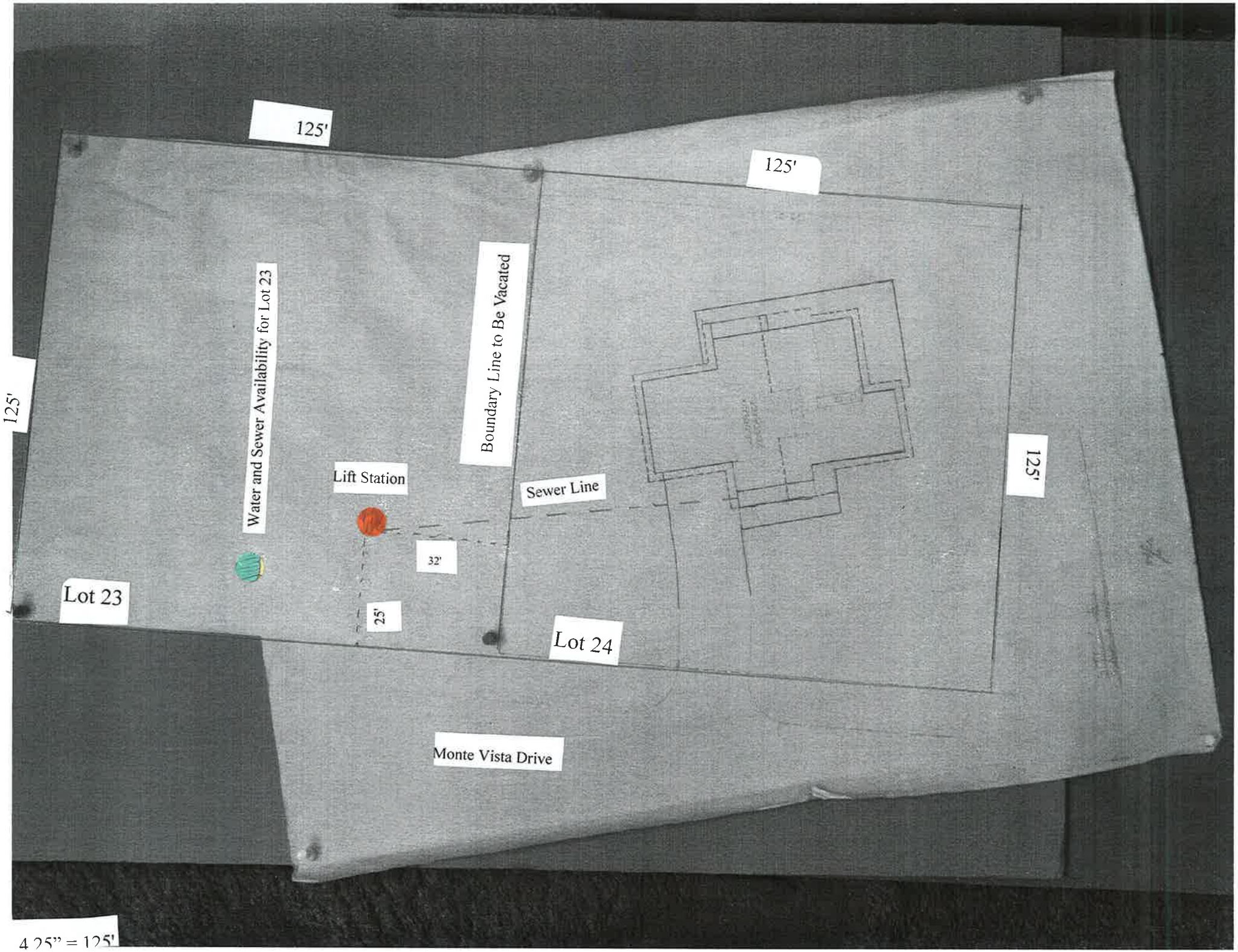
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125'
Water and Sewer Availability for Lot 23
Boundary Line to Be Vacated
Lift Station
Sewer Line
32'
25'
Lot 23
Lot 24
Monte Vista Drive
4.25" = 125'