AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Second Amendment to Declaration of Protective Cove

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement:

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

Summary:

A.Eliminate building envelope C of the Resort Condominiums.
B.Replat Lots 5 and 6 of Spring Creek Resort Development, which means bringing Lot 5 into the Resort Condominiums, by vacation of the common

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 5/30/18

Reveiwed by: Discharge Date: 6/1/2018 Certificate of Insurance Required Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: Discharge Date: 6/1/2018

○ Consent Agenda ◉ Regular Agenda ○ Worksession Time Allotted:

Agenda Date: 6/5/2018

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

May 7, 2018

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

FROM: **Neal Starkebaum**
Assistant Director

SUBJECT: **Resort Condominiums on Spring Creek**
Spring Creek Resort Development

Jacob With, Law of the Rockies, on behalf of the owners of Resort Condominiums on Spring Creek and the Spring Creek Resort Development, request the following:

A. Eliminate building envelope C of the Resort Condominiums.
B. Replat Lots 5 and 6 of Spring Creek Resort Development, which means bringing Lot 5 into the Resort Condominiums, by vacation of the common lot line, creating Lot 5A.
C. Remove any separate building envelope on Lot 5.
D. Expand the building envelope for Building Envelope B of the Resort Condominiums so that the owner can build a small ancillary structure that includes an outdoor kitchen.
E. Amend the covenants for both developments.

David B. reviewed the plat and Attorney's Opinion on September 13, 2017.

Attachments:
Amendments to Covenants and approval of property owners to amend covenants
Replat of Lot 5 Plat
BOCC Covenant approval pages

SECOND AMENDMENT TO DECLARATION OF PROTECTIVE COVENANTS OF SPRING CREEK RESORT DEVELOPMENT

The undersigned owners, being at least 75% of the members and owners within The Spring Creek Resort Development, and the Spring Creek Resort Development Homeowners Association, a Colorado nonprofit corporation (the "Association"), for and in consideration of the following recitals, mutual agreements and other provisions set forth herein, amend the Declaration of Declaration of Protective Covenants of Spring Creek Resort as recorded in the real property records of Gunnison County, Colorado at reception number 520860 and the amendment thereto recorded in the real property records of Gunnison County, Colorado at reception number 552942 (collectively, the "Declaration") pursuant to Section 10.2 of the Declaration as follows:

1. A new Section 7.8 is added to the Declaration, which new Section 7.8 provides:

   Lots 5 and 6 of the subdivision shall be clustered into one lot and the boundary line between the two lots removed. The combined lot will be known as Lot 5A. Lot 5A shall remain responsible for two shares of the common expenses and shall still have two votes in the Association. The Resort Condominiums on Spring Creek Association, Inc., or any successor association for Lot 5A, shall cast the votes on behalf of Lot 5A and shall be responsible for the payment of all dues for Lot 5A.

2. The following sentence shall be deleted from Section 4.1:

   Lot 6 shall be limited to three single-family residences, each with an attached Garage.

3. In the place of the deleted sentence, Section 4.1 shall be amended to add the following sentence to in place of the deleted sentence:

   Notwithstanding the foregoing, the owner of Building Envelope B located on Lot 5A shall be permitted to construct a secondary building or other ancillary building on Lot 5A in addition to the existing residential structure in Building Envelope B and the residential structure on Building Envelope A on Lot 5A.

Executed, agreed to and approved this 22ND day of DECEMBER, 2017.

Spring Creek Resort Development
Homeowners Association,
a Colorado nonprofit corporation

By: Paul Edstrom 12-28-17
Paul Edstrom, President Date

KEN HENRY
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20154047617
MY COMMISSION EXPIRES DECEMBER 11, 2019

STATE OF Colorado)
)ss.
COUNTY OF Gunnison)

The foregoing letter was acknowledged before me this 28 day of Dec, 2017, by Paul Edstrom as president of Spring Creek Resort Development Homeowners Association, a Colorado nonprofit corporation.
Witness my hand and official seal.
My commission expires: 12-11-2019.

Notary Public

O Be Joyful, LLC, being the owner of Lot 1 of Spring Creek Resort Subdivision, hereby consents and agrees to this second amendment to the declaration of protective covenants for Spring Creek Subdivision.

O Be Joyful, LLC

By: _____, Member Manager 1-2-18 Date

STATE OF OKLAHOMA)
)ss.
COUNTY OF Tulsa)

The foregoing letter was acknowledged before me this 2 day of JAN, ~~2017~~ 2018, by Brad Johnson as member manager of O Be Joyful, LLC.

Witness my hand and official seal.

My commission expires: 11-1-2020.

Nancy May
Notary Public

NANCY MAY NOTARY PUBLIC No. 00018340 IN AND FOR STATE OF OKLAHOMA MUSKOGEE COUNTY

Nancy E. Houston and Galen L. Houston, being the owners of Lot 2 of Spring Creek Resort Subdivision, hereby consents and agrees to this second amendment to the declaration of protective covenants for Spring Creek Subdivision.

By: Nancy E. Houston — 12/29/17
Nancy E. Houston — Date

By: Galen L. Houston — 12/29/17
Galen L. Houston — Date

STATE OF Colorado)
)ss.
COUNTY OF Gunnison)

The foregoing letter was acknowledged before me this 29th day of December, 2017, by Nancy E. Houston.
Witness my hand and official seal.
My commission expires: 05-20-2020.

Septah Sack
Notary Public

SEPTEMBER SACK
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID #20164019460
My Commission Expires May 20, 2020

STATE OF Colorado)
)ss.
COUNTY OF Gunnison)

The foregoing letter was acknowledged before me this 29th day of December, 2017, by Galen L. Houston.
Witness my hand and official seal.
My commission expires: 05-20-2020.

Septah Sack
Notary Public

SEPTEMBER SACK
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID #20164019460
My Commission Expires May 20, 2020

Chris Alton and Karen Alton, being the owners of Lot 3 of Spring Creek Resort Subdivision, hereby consents and agrees to this second amendment to the declaration of protective covenants for Spring Creek Subdivision.

By: _____ 2-9-2018
Chris Alton Date

By: Karen Alton 2/9/18
Karen Alton Date

STATE OF Colorado)
)ss.
COUNTY OF Gunnison)

The foregoing letter was acknowledged before me this 9th day of February, 2018, by Chris Alton.

Witness my hand and official seal.
My commission expires: 7-21-2021.

Mary Jo Marvel
Notary Public

STATE OF Colorado)
)ss.
COUNTY OF Gunnison)

The foregoing letter was acknowledged before me this 9 day of February, 2018 by Karen Alton.

Witness my hand and official seal.
My commission expires: 7-21-2021.

Mary Jo Marvel
Notary Public

MARY JO MARVEL
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID #20054028754
My Commission Expires July 21, 2021

MARY JO MARVEL
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID #20054028754
My Commission Expires July 21, 2021

Kimberly Siegenthaler and Tom Siegenthaler, being the owners of Lot 4 of Spring Creek Resort Subdivision, hereby consents and agrees to this second amendment to the declaration of protective covenants for Spring Creek Subdivision.

By: _____ _____
Kimberly Siegenthaler Date

By: _____ _____
Tom Siegenthaler Date

STATE OF _____)
)ss.
COUNTY OF _____)

The foregoing letter was acknowledged before me this ____ day of _____, 2017, by Kimberly Siegenthaler.
Witness my hand and official seal.
My commission expires: _____.

_____
Notary Public

STATE OF _____)
)ss.
COUNTY OF _____)

The foregoing letter was acknowledged before me this ____ day of _____, 2017, by Tom Siegenthaler.
Witness my hand and official seal.
My commission expires: _____.

_____
Notary Public

Paulette Blanchet, being the owner of Lot 5 of Spring Creek Resort Subdivision, hereby consents and agrees to this second amendment to the declaration of protective covenants for Spring Creek Subdivision.

By: _____ 1/5/18
Paulette Blanchet Date

STATE OF Colorado)
)ss.
COUNTY OF Gunnison)

The foregoing letter was acknowledged before me this 5 day of January, 2018, by Paulette Blanchet.

Witness my hand and official seal.

My commission expires: 7-21-2021.

_____
Notary Public

MARY JO MARVEL
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID #20054028754
My Commission Expires July 21, 2021

The undersigned, being all of the owners of Lot 5 and Lot 6 of Spring Creek Resort Subdivision, hereby consents and agrees to this second amendment to the declaration of protective covenants for Spring Creek Subdivision.

The Resort Condominiums on Spring Creek Association, Inc.

By: _____
Kip E. Daniel as President

_____
Paulette Blanchet

The Daniel Dream Trust

By: _____
Kip E. Daniel as trustee

_____
Kip E. Daniel

_____
William K. Daniel

STATE OF Colorado)
)ss.
COUNTY OF Gunnison)

The foregoing letter was acknowledged before me this 5 day of January, 2018, by Paulette Blanchet.
Witness my hand and official seal.
My commission expires: 7-21-2021.

Mary Jo Marvel
Notary Public

MARY JO MARVEL
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID #20054028754
My Commission Expires July 21, 2021

STATE OF _____)
)ss.
COUNTY OF _____)

The foregoing letter was acknowledged before me this ____ day of _____, 2017, by Kip E. Daniel as President of The Resort Condominiums on Spring Creek Association, Inc., as trustee of The Daniel Dream Trust, and Kip E. Daniel individually.

Witness my hand and official seal.
My commission expires: _____.

_____
Notary Public

The undersigned, being all of the owners of Lot 5 and Lot 6 of Spring Creek Resort Subdivision, hereby consents and agrees to this second amendment to the declaration of protective covenants for Spring Creek Subdivision.

The Resort Condominiums on Spring Creek Association, Inc.

By: _____
Kip E. Daniel as President

The Daniel Dream Trust

By: _____
Kip E. Daniel as trustee

_____
Paulette Blanchet

_____
Kip E. Daniel

_____
William K. Daniel

STATE OF Texas)
)ss.
COUNTY OF Dallas)

The foregoing letter was acknowledged before me this 24th day of January, 2018, by Paulette Blanchet.
Witness my hand and official seal.
My commission expires: _____.

_____
Notary Public

STATE OF Texas)
)ss.
COUNTY OF Dallas)

The foregoing letter was acknowledged before me this 24th day of January, 2018 by Kip E. Daniel as President of The Resort Condominiums on Spring Creek Association, Inc., as trustee of The Daniel Dream Trust, and Kip E. Daniel individually.

Witness my hand and official seal.
My commission expires: 8/7/2020.

Paula W. Alexander
Notary Public

PAULA W. ALEXANDER
Notary Public, State of Texas
Comm. Expires 08-07-2020
Notary ID 5082037

STATE OF Texas)
)ss.
COUNTY OF Wichita)

The foregoing letter was acknowledged before me this 22 day of January, 2018, by William K. Daniel.

Witness my hand and official seal.
My commission expires: July 11, 2020.

DNITRA BUSSEY
Notary Public, State of Texas
Notary ID # 13073316-1
My Commission Expires
July 11, 2020

Dnitra Bussey
Notary Public

Paul Edstrom and Kathleen Edstrom, being the owners of Lot 7 of Spring Creek Resort Subdivision, hereby consents and agrees to this second amendment to the declaration of protective covenants for Spring Creek Subdivision.

By: Paul Edstrom 12-28-17
Paul Edstrom Date

By: Kathleen Edstrom Dec. 28, 2017
Kathleen Edstrom Date

KEN HENRY
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20154047617
MY COMMISSION EXPIRES DECEMBER 11, 2019

STATE OF Colorado)
)ss.
COUNTY OF Gunnison)

The foregoing letter was acknowledged before me this 28 day of Dec, 2017, by Paul Edstrom.
Witness my hand and official seal.
My commission expires: 12-11-2019.

Notary Public

KEN HENRY
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20154047617
MY COMMISSION EXPIRES DECEMBER 11, 2019

STATE OF Colorado)
)ss.
COUNTY OF Gunnison)

The foregoing letter was acknowledged before me this 28 day of Dec, 2017, by Kathleen Edstrom.
Witness my hand and official seal.
My commission expires: 12-11-2019.

Notary Public

APPROVAL OF SECOND AMENDMENT TO
DECLARATION OF PROTECTIVE COVENANTS OF SPRING CREEK RESORT DEVELOPMENT

INTRODUCED by Commissioner _____, seconded by Commissioner _____, and adopted on this ____ day of _____, 2018.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

_____
Phil Chamberland,
Chairperson

ATTEST:

_____
Gunnison County Clerk and Recorder

AMENDMENT TO DECLARATION OF PROTECTIVE COVENANTS OF RESORT CONDOMINIUMS ON SPRING CREEK

The undersigned owners, being all of the members and owners within The Resort Condominiums on Spring Creek, and The Resort Condominiums on Spring Creek Association, Inc. (the "Association"), for and in consideration of the following recitals, mutual agreements and other provisions set forth herein, amend the Condominium Declaration of The Resort Condominiums on Spring Creek as recorded in the real property records of Gunnison County, Colorado at reception number 566747 (the "Declaration") as follows:

1. A new Section 4.07 is added to the Declaration, which new Section 4.07 provides:

   Section 4.07. Underlying Real Property. Notwithstanding any other provision in this Declaration, ownership of a Building Envelope shall include ownership of the underlying real property within that Building Envelope. Further, the owner of Building Envelope B shall be permitted to construct a secondary structure within Building Envelope B without further approval by the Association.

2. The allocated interests in the subdivision shall be amended as follows: Building Envelope A and Building Envelope B shall each have 50% of the common expense liabilities, one vote in the Association, a 50% share of the common elements.

Executed, agreed to and approved this _____ day of _____, 2017.

The Resort Condominiums on Spring Creek Association, Inc.

By: _____
Kip E. Daniel as President

The Daniel Dream Trust

By: _____
Kip E. Daniel as trustee

_____
Kip E. Daniel

_____
Paulette Blanchet

_____
William K. Daniel

AMENDMENT TO DECLARATION OF PROTECTIVE COVENANTS OF RESORT CONDOMINIUMS ON SPRING CREEK

The undersigned owners, being all of the members and owners within The Resort Condominiums on Spring Creek, and The Resort Condominiums on Spring Creek Association, Inc. (the "Association"), for and in consideration of the following recitals, mutual agreements and other provisions set forth herein, amend the Condominium Declaration of The Resort Condominiums on Spring Creek as recorded in the real property records of Gunnison County, Colorado at reception number 566747 (the "Declaration") as follows:

1. A new Section 4.07 is added to the Declaration, which new Section 4.07 provides:

   Section 4.07. Underlying Real Property. Notwithstanding any other provision in this Declaration, ownership of a Building Envelope shall include ownership of the underlying real property within that Building Envelope. Further, the owner of Building Envelope B shall be permitted to construct a secondary structure within Building Envelope B without further approval by the Association.

2. The allocated interests in the subdivision shall be amended as follows: Building Envelope A and Building Envelope B shall each have 50% of the common expense liabilities, one vote in the Association, a 50% share of the common elements.

Executed, agreed to and approved this _____ day of _____, 2018.

The Resort Condominiums on Spring Creek Association, Inc.

By: _____
Kip E. Daniel as President

The Daniel Dream Trust

By: _____
Kip E. Daniel as trustee

_____
Paulette Blanchet

_____
Kip E. Daniel

_____
William K. Daniel

APPROVAL OF AMENDMENT TO
DECLARATION OF PROTECTIVE COVENANTS OF RESORT CONDOMINIUMS ON SPRING CREEK

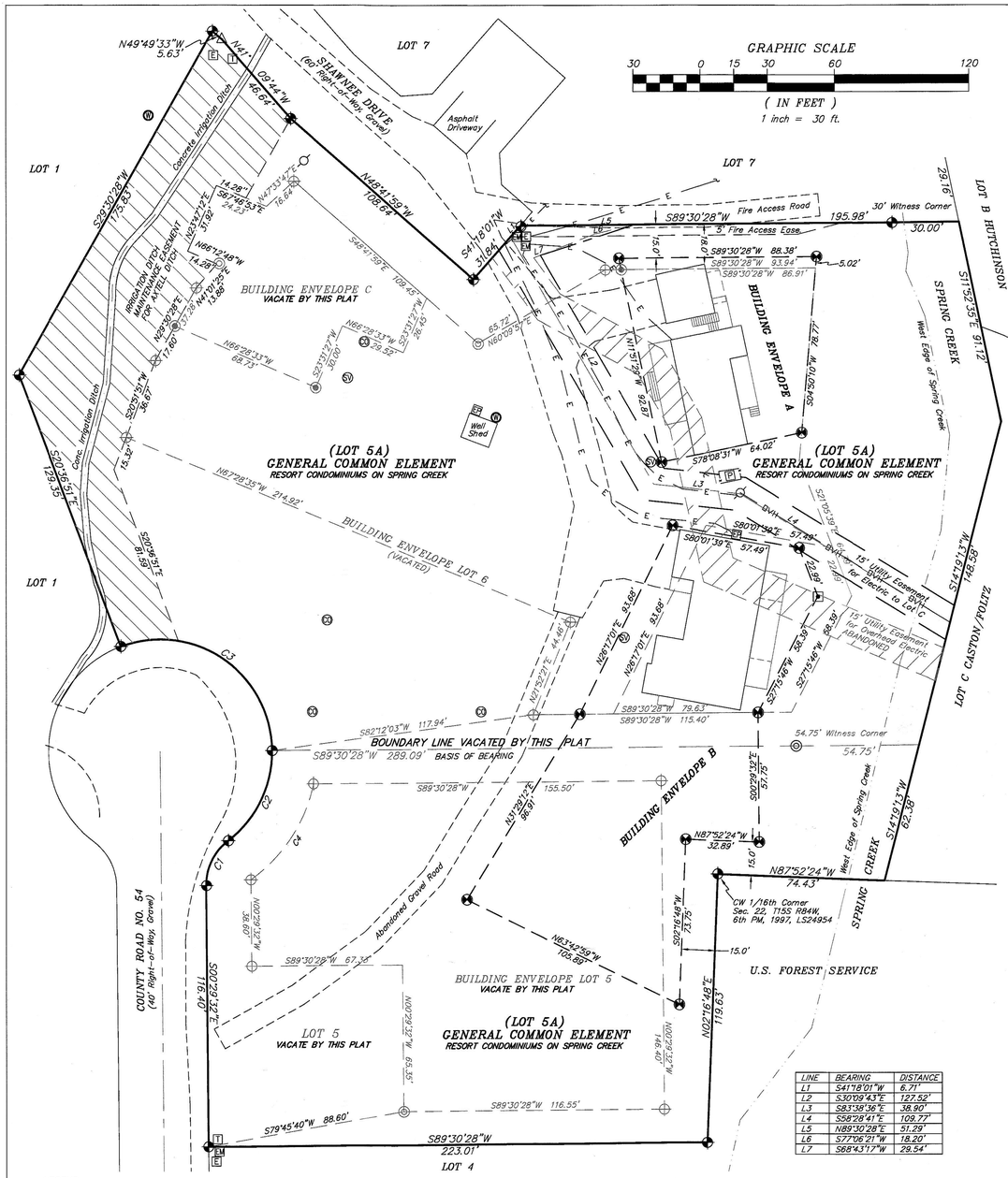
INTRODUCED by Commissioner _____, seconded by Commissioner _____, and adopted on this ____ day of _____, 2018.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

_____
Phil Chamberland,
Chairperson

ATTEST:

_____
Gunnison County Clerk and Recorder



LINE	BEARING	DISTANCE
L1	S41°18'01"W	6.71'
L2	S30°09'43"E	127.52'
L3	S83°38'36"E	38.90'
L4	S58°28'41"E	109.77'
L5	N89°30'28"E	51.29'
L6	S77°06'21"W	18.20'
L7	S68°43'17"W	29.54'

LEGEND

- Found rebar and aluminum cap monument, stamped "Foley LS 24954" (for Boundary)
- Found rebar and aluminum cap monument, stamped "Foley LS 24954" (for Building Envelope)
- Found No. 5 rebar, attributed to Foley LS 24954
- Found rebar and aluminum cap monument, stamped "Furey LS 33647 Building Envelope"
- Found rebar and plastic cap monument, stamped "LS 33647 Prop Crn" (for Boundary)
- Found rebar and plastic cap monument, stamped "LS 34979" (for Building Envelope)
- Set No.5 rebar and plastic cap monument, stamped "ACS 38048" (for Building Envelope)
- Well head
- Septic Clean-out, 4" PVC cap
- Concrete Septic Vault
- Electric Transformer
- Electric Panel
- Electric Meter
- Telephone Pedestal
- Propane Tank
- Utility Pole
- Guy Wire
- Overhead Utility Lines
- Underground Electric Line
- Wood Fence

CURVE	RADIUS	ARC LEN.	DELTA ANGLE	CHORD BRG.	CHORD LEN.
C1	25.00'	23.18'	53°07'48"	N26°08'20"E	22.36'
C2	50.00'	46.36'	53°07'29"	N26°03'56"E	44.72'
C3	50.00'	96.10'	110°07'21"	N55°33'29"W	81.98'
C4	70.00'	52.26'	42°46'35"	N33°16'21"E	51.06'

N
MAGNETIC SOUTH POLE

LAND SURVEYOR'S STATEMENT
I, STEPHEN L. JESSOE, for and on behalf of All County Survey, Inc., being a Licensed Professional Land Surveyor in the State of Colorado, do hereby state that this *REPLAT of LOT 5, REPLAT of THE RESORT CONDOMINIUMS ON SPRING CREEK, AND RELOCATION of BUILDING ENVELOPE B* was prepared by me and under my responsible charge & supervision and a) is accurate to the best of my knowledge, information and belief, b) is in accordance with applicable standards of practice, and c) is not a guarantee or warranty either expressed or implied.

Basis of Bearing is based on a bearing of S89°30'28"W between monuments found along the north boundary line of Lot 5, as shown hereon.

Dated this 15th day of December, 2017.

COLORADO LICENSED PROFESSIONAL LAND SURVEYOR STEPHEN L. JESSOE 38048

Stephen L. Jessoe, Colorado Licensed Professional Land Surveyor No. 38048
For and on behalf of All County Survey, Inc.
P.O. Box 7164, Gunnison, CO 81230 970-349-9400

ATTORNEY'S OPINION
I, Jacob A. With, 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:
A. Paulette Blanchet as to Lot 5, SPRING CREEK RESORT DEVELOPMENT, according to the Plat recorded June 3, 2002 as Reception No. 520859 and Amendment to Final Plat recorded July 20, 2004 as Reception No. 544231 and also as to UNIT B, RESORT CONDOMINIUMS ON SPRING CREEK, according to the Condominium Map recorded July 11, 2006 as Reception No. 566748, Amendment to the Condominium Map recorded May 5, 2009 as Reception No. 590485 and Condominium Declaration recorded July 11, 2006 as Reception No. 566747.
B. Daniel Dream Trust as to UNIT A, RESORT CONDOMINIUMS ON SPRING CREEK, according to the Condominium Map recorded July 11, 2006 as Reception No. 566748, Amendment to the Condominium Map recorded May 5, 2009 as Reception No. 590485 and Condominium Declaration recorded July 11, 2006 as Reception No. 566747,
C. Kip E. Daniel and William K. Daniel as to Building Envelope C, RESORT CONDOMINIUMS ON SPRING CREEK, according to the Condominium Map recorded July 11, 2006 as Reception No. 566748, Amendment to the Condominium Map recorded May 5, 2009 as Reception No. 590485 and Condominium Declaration recorded July 11, 2006 as Reception No. 566747.
Such title is free and clear of all liens, defects, encumbrances, restrictions and reservations except as follows:
1. The lien for the current and subsequent year's taxes and assessments.
2. Inclusion of the property within any special taxing district.
3. All matters shown hereon.
4. All Patent reservations as reserved in United States Patent recorded January 27, 1920 in Book 184 at page 200.
5. Easement and right of way as conveyed by Walter H. Offen and Helen S. Offen to Alva D. Eubank, Ruby R. Eubank, Ralph Reid, Sr., and Betty J. Reid for the construction, installation and maintenance of a water line, and incidental purposes, the location of which is not adequately defined as conveyed in Easement recorded February 27, 1968 in Book 401 and page 449, and any and all assignments thereof or interests therein.
6. Any affect the Plat recorded November 23, 1998 as Reception No. 488844 may have on the subject property.
7. Terms and conditions as contained in No Impact Certificate, Certification No. 32, Series 1998, Land Use Change No. 1998-61 recorded November 23, 1998 as Reception No. 488845.
8. Any rights, interest or easements in favor of the riparian owners, the State of Colorado, the United States of America, or the general Public, which exist, have existed, or are claimed to exist in and over the waters and present and past bed and banks of Spring Creek.
9. Covenants, conditions and restrictions as set forth in Covenants dated June 3, 2002 at Reception No. 520860 and Amendment recorded April 26, 2005 as Reception No. 552942; together with any modifications or amendments thereto.
10. All easements, exceptions, dedications, reservations, restrictions, roads, ditches, building envelopes, setbacks and notes as set forth on the Plat of Spring Creek Resort Development recorded June 3, 2003 as Reception No. 520859 and Amendment to the Final Plat recorded July 20, 2004 as Reception No. 544231; including:
a) Non-exclusive Utility Easements for the installation and maintenance of public utilities as shown on said Plat
b) Non-exclusive Snow Storage Easements to the Spring Creek Resort Development Homeowners Association as shown on said Plat
c) Non-exclusive Fire Access Easement to the Gunnison County Fire Protection District as shown on said Play.
d) Non-exclusive Private Drive Easement to the benefit for the Spring Creek Resort Development Homeowners Association for ingress and egress and the location of mailboxes as shown on said Plat
e) Non-exclusive Irrigation Ditch Maintenance Easements for Elmer Ditch and Axtell Ditch as shown on said Plat.
11. Board of County Commissioners Resolution No. 20 Series 2005 as set forth in instrument recorded April 26, 2005 as Reception No. 552973 and Resolution No. 21 Series 2005 as set forth in instrument recorded April 26, 2005 as Reception No. 552974.
12. Underground Right of Way Easement as set forth in instrument recorded May 13, 2005 as Reception No. 553544; and any and all assignments thereof or interests therein.
13. Covenants, conditions, and restrictions as set forth in Condominium Declaration of The Resort Condominiums of Spring Creek recorded July 11, 2006 as Reception No. 566747 and the amendment thereto recorded at Reception No. _____.
14. All easements, exceptions, dedications, reservations, restrictions, and notes as set forth on the Plat and Map of Resort Condominiums on Spring Creek recorded July 11, 2006 as Reception No. 566748 and Amendment to the Condominium Map recorded May 5, 2009 as Reception No. 590485.

Dated this 10th day of January, 2018.

Jacob A. With, Attorney-At-Law
Supreme Court Registration No. 40546
For and on behalf of Law of the Rockies, LLC
525 N. Main St., Gunnison, CO 81230

CONVEYANCES
The Resort Condominiums on Spring Creek Association, Inc. hereby quitclaims and conveys such real property as shown hereon as Building Envelope A to the Daniel Dream Trust.
The Resort Condominiums on Spring Creek Association, Inc. hereby quitclaims and conveys such real property as shown hereon as Building Envelope B to Paulette Blanchet.

The Resort Condominiums On Spring Creek Association, Inc., a Colorado nonprofit corporation
By: _____ President 1.26.18 Date
State of Texas)
County of Dallas) ss.
The foregoing instrument was acknowledged before me this 26th day of January, 2018 by Kip E. Daniel as The Resort Condominiums On Spring Creek Association, Inc., a Colorado nonprofit corporation.
My commission expires: 8/7/2020
Witness my hand and official seal:
Notary Public (seal)
PAULA W. ALEXANDER Notary Public, State of Texas Comm. Expires 08-07-2020 Notary ID 5082037

The Daniel Dream Trust hereby consents and approves of this plat. The Daniel Dream Trust hereby quitclaims and conveys such real property as is shown hereon as general common elements to The Resort Condominiums on Spring Creek Association, Inc. The Daniel Dream Trust hereby quitclaims and conveys such real property as is shown hereon as Building Envelope B to Paulette Blanchet.

The Daniel Dream Trust
By: _____ Kip E. Daniel, Trustee 1.26.18 Date
State of Texas)
County of Dallas) ss.
The foregoing instrument was acknowledged before me this 26th day of January, 2018 by Kip E. Daniel as trustee of The Daniel Dream Trust.
My commission expires: 8/7/2020
Witness my hand and official seal:
Notary Public (seal)
PAULA W. ALEXANDER Notary Public, State of Texas Comm. Expires 08-07-2020 Notary ID 5082037

Kip E. Daniel hereby consents and approves of this plat. Kip E. Daniel hereby quitclaims and conveys such real property as is shown hereon as Building Envelope C to The Resort Condominiums on Spring Creek Association, Inc. together with all other areas shown as general common elements. Kip E. Daniel hereby quitclaims and conveys such real property as is shown hereon as Building Envelope B to Paulette Blanchet.
By: _____ Kip E. Daniel 1.26.18 Date
State of Texas)
County of Dallas) ss.
The foregoing instrument was acknowledged before me this 26th day of January, 2018 by Kip E. Daniel.
My commission expires: 8/7/2020
Witness my hand and official seal:
Notary Public (seal)
PAULA W. ALEXANDER Notary Public, State of Texas Comm. Expires 08-07-2020 Notary ID 5082037

William K. Daniel hereby consents and approves this Plat. William K. Daniel hereby quitclaims and conveys such real property as is shown hereon as Building Envelope C to The Resort Condominiums on Spring Creek Association, Inc. together with all other areas shown as general common elements. William K. Daniel hereby quitclaims and conveys such real property as is shown hereon as Building Envelope B to Paulette Blanchet.
By: _____ William K. Daniel 1-22-18 Date
State of Texas)
County of Wichita) ss.
The foregoing instrument was acknowledged before me this 22 day of January, 2018 by William K. Daniel.
My commission expires: July 11, 2020
Witness my hand and official seal:
Notary Public (seal)
DNITRA BUSSEY Notary Public, State of Texas Notary ID # 130773316-1 My Commission Expires July 11, 2020

Subject to the dedication set forth on this plat, Paulette Blanchet hereby consents and approves this Plat. Paulette Blanchet hereby quitclaims and conveys such real property as is shown hereon as Lot 5, excluding however all portions of Building Envelope B as shown hereon, to The Resort Condominiums on Spring Creek Association, Inc. together with all other areas shown as general common elements. Paulette Blanchet hereby quitclaims and conveys such real property as shown hereon as Building Envelope A to the Daniel Dream Trust
By: _____ Paulette Blanchet 1/5/2018 Date
State of COLORADO)
County of GUNNISON) ss.
The foregoing instrument was acknowledged before me this 5th day of JANUARY, 2018 by Paulette Blanchet.
My commission expires: 6/25/2021
Witness my hand and official seal:
Notary Public (seal)
AGNES KRONERAFF NOTARY PUBLIC STATE OF COLORADO NOTARY ID #20134039223 My Commission Expires June 25, 2021

PLAT NOTES
1) CONFINEMENT OF DOMESTIC ANIMALS. Domestic animals must be controlled by kenneling, leash, fencing or other physical constraint and that any expense of enforcement of the domestic animal control restrictions by the County shall be at the expense of the responsible association or individual.
2) AWARENESS OF COLORADO "FENCE-OUT" REQUIREMENTS. A property owner is required to construct and maintain fencing in order to keep livestock off his/her property as per C.R.S. 35-46-101 et seq.

SURVEY NOTES
1. Property boundaries and easements are based upon the following Plats filed in the records of Gunnison County, Colorado:
A. Plat of Spring Creek Resort Development recorded June 3, 2002 at Reception No. 520859,
B. Amendment to the Final Plat of Spring Creek Resort Development recorded July 20, 2004 at Reception No. 544231,
C. Condominium Map of Resort Condominiums on Spring Creek recorded July 11, 2006 at Reception No. 566748,
D. Amendment to the Condominium Map of the Resort Condominiums on Spring Creek recorded May 5, 2009 at Reception No. 590485,
2. Attorney's Opinion, easements, and encumbrances are based upon Gunnison County Abstract's Title Commitment No. GS17-23 dated May 18, 2017. Additional easements and/or encumbrances may exist.
3. Distances and dimensions are in U.S. Survey Feet.
4. "Lot 5A" was added per instructions from Gunnison County on 12/1/17.

DEDICATION
Paulette Blanchet being the owner of Lot 5 as shown hereon has laid out and platted the same as shown on this plat and does hereby permanently dedicate to the public at large the streets, alleys, roads and other public areas as shown on this plat and does hereby permanently dedicate to the owners of the building envelopes within this subdivision and their guests, but not the public at large, the common right to use streets, alleys, roads and other areas as shown hereon and hereby permanently dedicates those portions of land labeled as easements for the installation and maintenance of public utilities as shown hereon. .

In witness whereof Paulette Blanchet has subscribed her name this _____ day of _____, 201__.
By: _____ Paulette Blanchet 1/5/2018 Date
State of COLORADO)
County of GUNNISON) ss.
The foregoing instrument was acknowledged before me this 5th day of JANUARY, 2018 by PAULETTE BLANCHET.
My commission expires: 6/25/2021
My address is: 525 N MAIN ST GUNNISON, CO 81230
Witness my hand and official seal:
Notary Public (seal)
AGNES KRONERAFF NOTARY PUBLIC STATE OF COLORADO NOTARY ID #20134039223 My Commission Expires June 25, 2021

LIENHOLDER CONSENT
REGIONS MORTGAGE, being the holder of a lien, as recorded as Reception No. 620550 of the real property records of Gunnison County, Colorado on a portion of the land dedicated, platted and/or subdivided do hereby consent to such dedication, plat, and/or subdivision.
In witness whereof REGIONS MORTGAGE has executed this plat this 2nd day of April, 201__.
REGIONS MORTGAGE
By: _____
Name: MARIANNE GRANGE
Title: Vice President
State of Mississippi)
County of Forrest) ss.
The foregoing instrument was acknowledged before me this 2nd day of April 2018 by MARIANNE GRANGE as Vice President of REGIONS MORTGAGE
My commission expires: 1-3-2019
Witness my hand and official seal:
Notary Public (seal)
STATE OF MISSISSIPPI TRACEY A. WHISENHUNT ID No. 97941 Com. Exp. 01-03-2019 NOTARY PUBLIC PERRY COUNTY

CERTIFICATION OF APPROVAL OF ASSOCIATIONS
The Resort Condominiums on Spring Creek Association, Inc. hereby certifies that this plat is approved by the association in accordance with all required voting and other approval requirements.
The Resort Condominiums On Spring Creek Association, Inc., a Colorado nonprofit corporation.
By: _____ President 1.26.18 Date
The Spring Creek Resort Development Homeowners Association hereby certifies that this plat is approved by the association in accordance with all required voting and other approval requirements.
Spring Creek Resort Development Homeowners Association, a Colorado nonprofit corporation.
By: _____ President 12/28/17 Date

BOARD OF COUNTY COMMISSIONERS' APPROVAL
The within *REPLAT of LOT 5, REPLAT of THE RESORT CONDOMINIUMS ON SPRING CREEK, AND RELOCATION of BUILDING ENVELOPE B* is approved this ____ day of _____, 201__, and the private dedication of roads and common areas is approved on the condition that such roads and common areas shall be maintained and snowplowed, by and at the expense of the lot owners and not by Gunnison County or any other public agency.
By _____
Chairperson, 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 _____, 201__.
Reception Number _____ Time _____ Date _____
_____
Gunnison County Clerk and Recorder

ALL COUNTY SURVEY INC.
Stephen Jessoe, P.L.S.
P.O. Box 7164, Gunnison, CO 81230
970-349-9400 www.allcountysurvey.com

REPLAT of THE RESORT CONDOMINIUMS ON SPRING CREEK, AND RELOCATION of BUILDING ENVELOPE B, WITHIN LOTS 5 & 6, SPRING CR. RESORT DEVELOPMENT AMENDED WITHIN SPRING CREEK RESORT DEVELOPMENT AMENDED, COUNTY OF GUNNISON, STATE OF COLORADO

SCALE: 1" = 30'

According to Colorado Law, you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any legal action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

DATE: 15 December 2017
DRAWN BY: SLJ
REVIEWED BY: SLJ

REVISIONS:
1. Enlarge Bldg. EnvB 10/23/17
2. County Edits 11/14/17
3. "Lot 5A" added per County 12/1/17
4. Final Approval 12/14/17

REPLAT of LOT 5, REPLAT of RESORT CONDOS ON SPRING CR., AND RELOCATION of BLDG. ENV. B, WITHIN LOTS 5 & 6, SPRING CR. RESORT DEVELOPMENT AMENDED, COUNTY OF GUNNISON, STATE OF COLORADO