# AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

**Agenda Item:** Townhome Plat Approval; Elcho IV Townhomes; Units

**Action Requested:** Board of County Commissioners' Signature

**Parties to the Agreement:**

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

**Summary:**

Plat of Elcho Townhomes Units 3 & 4

**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 6/29/16

Reveiwed by: GUNCOUNTY1\dBaumgarten Discharge Date: 6/29/2018 Certificate of Insurance Required

Yes ○ No ◉

**County Manager Review:**

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 6/29/2018

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

Agenda Date: 7/3/2018

*Revised April 2015*

Gunnison County Community and
Economic 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

June 25, 2018

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

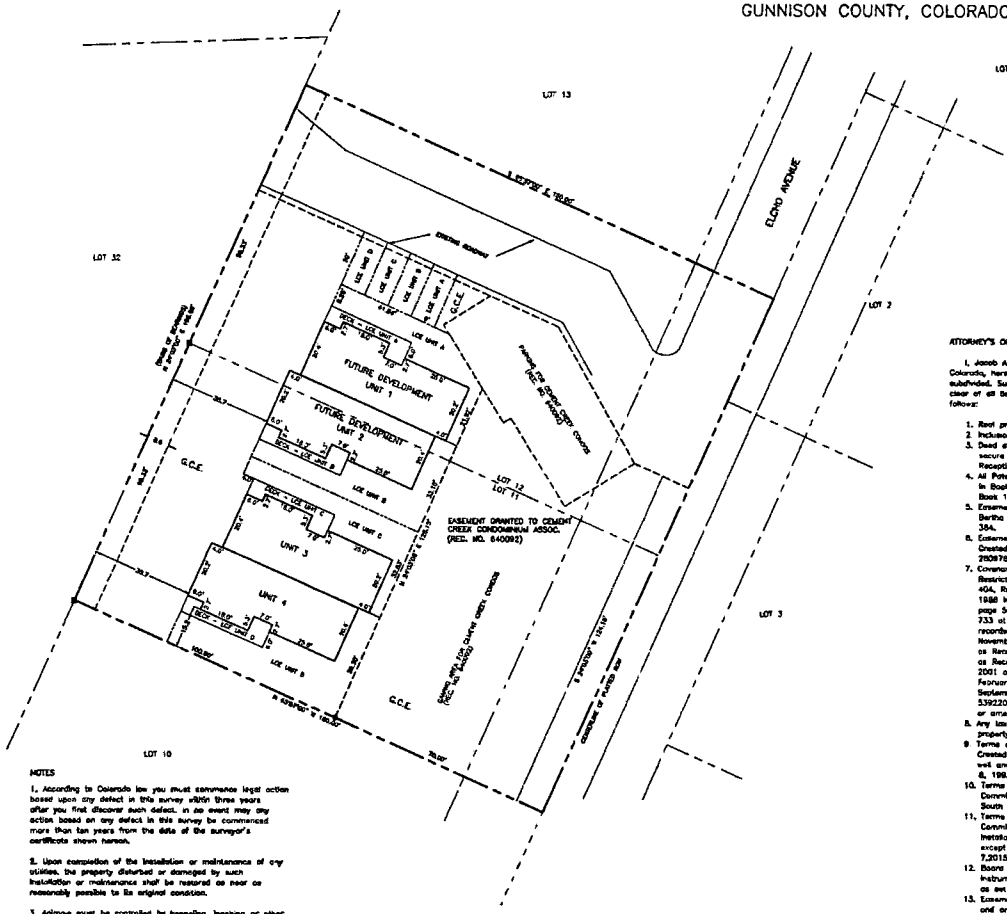
**FROM:** **Neal Starkebaum**
**Assistant Director**

**SUBJECT:** **Elcho Townhomes, Units 3 & 4**
**Lots 11 & 12, Block 2, CB South – First Filing**

Elcho IV Townhomes, LLC requests the platting of two townhomes, Units 3 & 4 Elcho Townhomes.

Attachments:
Elcho Townhome Plat

# TOWNHOME MAP OF ELCHO IV TOWNHOMES
## within LOTS 11 & 12, BLOCK 2, CRESTED BUTTE SOUTH – FIRST FILING
## GUNNISON COUNTY, COLORADO




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. Upon completion of the installation or maintenance of any utilities, the property disturbed or damaged by such installation or maintenance shall be restored as near as reasonably possible to its original condition.

3. Animals must be controlled by tethering, leashing or other physical constraint. Any expense of enforcing domestic animal control restrictions by Gunnison County shall be at the expense of the The Back Nine Condominiums Association or the individual unit owner.

4. C.R.S. Section 35-46-101 et seq. requires The Elco IV Townhomes Association to construct and maintain fencing to keep livestock off of The Elco IV Townhomes property.

5. 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.

6. Any person who acquires any interest in any of the real property platted on this Townhome Map shall be deemed to have accepted the terms, conditions, exceptions, restrictions, limitations and definitions set forth herein and in the Townhome Declaration for Elcho IV Townhomes recorded as Reception No. _____

7. The Elcho IV Townhomes are not within a designated floodplain, nor within an area designated as a geologic or wildfire hazard.

LEGEND

- Found rebar with plastic cap "LS 5338"
- Found rebar with plastic cap "LS 34979"
- Fence
- Easement boundary

Scale: 1" = 20'

N

BOARD OF COUNTY COMMISSIONERS APPROVAL

The within plat of Elcho IV Townhomes is approved this _____day of _____ A.D. 2018 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.

_____
Chairman

ATTEST:

_____

COMPLIANCE WITH BOARD OF COUNTY COMMISSIONERS RESOLUTION

The property described on this plat is subject to all the requirements, terms, and conditions of the Board of County Commissioners Resolution No. _____ recorded at Reception No. _____ of the Records of the Clerk and Recorder of Gunnison County.

ATTORNEY'S OPINION

I, Jacob A. Wirth, 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 held in the name of Elcho IV Townhomes LLC and is free and clear of all liens, defects, encumbrances, restrictions and reservations except as follows:

1. Real property taxes for the current and future years, a lien not yet due and payable.
2. Inclusion of the property within any special taxing district.
3. Deed of Trust from Elcho IV Townhomes LLC for the benefit of Bank of the West to secure $621,400.00, dated November 13, 2017, recorded November 20, 2017 as Reception No. 880372.
4. All Patent reservations as reserved in United States Patent(s) recorded May 19, 1866 in Book 115 at page 303, August 12, 1901 in Book 101 at page 246, May 22,1916 in Book 184 at page 134, and October 5,1922 in Book 184 at page 353
5. Easement and right of way for cattle driveway reserved by Robert J. Duersteg and Bertha Duersteg in Warranty Deed recorded October 1, 1936 in Book 245 at page 354.
6. Easements, exceptions, conditions, dedications, reservations, and notes on the Plat of Crested Butte South – First Filing recorded on August 26, 1970 at Reception No. 280976.
7. Covenants, conditions terms, and restrictions as set forth in Covenants and Restrictions of Crested Butte South recorded August 26, 1970 in Book 420 at page 404, Resolutions recorded January 21, 1983 in Book 588 at page 304, December 8, 1988 in Book 661 at page 284, April 27, 1990 in Book 677 at page 576, Book 677 at page 581, November 20, 1990 in Book 684 at page 901, October 22, 1993 in Book 733 at page 740, December 15, 1994 in Book 757 at page 223, in Amendments recorded May 1, 1995 in Book 782 at page 202, page 203, page 204, page 205, November 22, 1996 as Reception No. 472225, Resolutions recorded March 27, 1998 as Reception No. 483581, April 30, 1998 as Reception No. 483318, October 19,1998 as Reception No. 487930, November 5, 1999 as Reception No. 497844, March 22, 2001 as Reception No. 509429, September 25, 2001 as Reception No. 514462, February 5, 2002 as Reception No. 517978, June 23, 2003 as Reception No. 531851, September 23, 2003 as Reception No. 533203, February 23, 2004 as Reception No. 539220 and July 20, 2004 as Reception No. 544256; together with any modifications or amendments thereto.
8. Any taxes, fees, assessments, or charges by reason of the inclusion of the subject property within the Crested Butte South Metropolitan District.
9. Terms and conditions as contained in Resolution of the Board of Directors of the Crested Butte South Metropolitan District governing the installation of individual well and sewage disposal systems within the boundaries of the district, recorded June 8, 1983 in Book 725 at page 318.
10. Terms and conditions as contained in Resolution of the Board of County Commissioners of the County of Gunnison, Colorado, designating Crested Butte South as a Special Area, recorded September 3, 2008 as Reception No. 566384.
11. Terms and conditions as contained in Resolution of the Board of County Commissioners of the County of Gunnison, Colorado, completing the extension and installation of water and sewer mains to all filings in Crested Butte South subdivision except for the north half of Block 8, Filing #2, Crested Butte South, recorded January 7,2015 as Reception No. 830782.
12. Board of County Commissioners Resolution No. 23 Series 1988 as set forth in instrument recorded August 2, 1988 in Book 655 at page 550 and No.1 0 Series 1990 as set forth in instrument recorded June 14, 1990 in Book 679 at page 151.
13. Easement as set forth in instrument recorded May 31, 1990 in Book 678 at page 530; and any and all assignments thereof or interests therein.
14. Cement Creek Condominiums Annexation, Inc Notice of Claimed Rights as set forth in instrument recorded March 11, 2014 as Reception No. 825540 and Cement Creek Condominium Association, Inc.
15. Release of Notice of Claimed Rights as set forth in instrument recorded July 28, 2015 as Reception No. 834403.
16. Restrictive Covenant as set forth in instrument recorded March 31, 2006 as Reception No. 564090 and Termination recorded June 14,2016 as Reception No. 839596.
17. Easement Agreement as set forth in instrument recorded June 13, 2016 as Reception No. 836895 and rerecorded June 14,2016 as Reception No. 840092; and any and all assignments thereof or interests therein.
18. Cluster Agreement recorded May 22, 2017 as Reception No. 848558.
19. Declaration of protective covenants recorded at Reception No. _____
20. All matters shown on the plat.

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

Dated: _____

_____
Jacob A. Wirth, Esq., Reg. No. 40548

DEDICATION

Elcho IV Townhomes LLC, and Bank of the West, being the owner and mortgagee the land described as follows:

Lots 11 and 12, Crested Butte South – First Filing, according to the Plat recorded August 26, 1970 at Reception No. 280976 in the records of Gunnison County, Colorado.

In Gunnison County, Colorado, under the name of ELCHO IV TOWNHOMES has laid out, platted and/or subdivided the same as shown on this plat and do hereby dedicate to the unit owners and their guests, but not to the public at large, the common right to at large the streets, alleys, roads and other public areas as shown hereon and hereby dedicate those portions of land labeled as easements for the installation and maintenance of public utilities as shown hereon.

ELCHO IV TOWNHOMES

In witness whereof Ken Buck has subscribed his name this _____ day of _____ A.D. 2018.

By_____
Ken Buck
As_____

State of Colorado )
)ss.
County of Gunnison )

The foregoing instrument was acknowledged before me this _____day of _____ A.D. 20_____ by Ken Buck.

My commission expires _____

Witness my hand and official seal

_____
Notary Public

BANK OF THE WEST

In witness whereof _____ has subscribed his/her name this _____ day of _____ A.D. 2018.

By_____

As_____

State of Colorado )
)ss.
County of Gunnison )

The foregoing instrument was acknowledged before me this _____day of _____ A.D. 20_____ by _____

My commission expires _____

Witness my hand and official seal.

_____
Notary Public

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 _____ day of _____ A.D. 20____

_____
Timothy E. Pearson
Colorado LS No. 34979

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. 2018, Reception Number _____ Time _____

Date _____

_____
County Clerk

ELCHO IV TOWNHOMES
within LOTS 11 & 12, BLOCK 2,
CRESTED BUTTE SOUTH – FIRST FILING
GUNNISON COUNTY, COLORADO
STREET ADDRESS: 7 TIMBERLINE WAY

| | |
|---|---|
| PEARSON SURVEYING<br>P.O. BOX 852<br>GUNNISON, CO 81230<br>970-641-3910<br>PROJECT # 18-4-4 | DATE : 3/26/18<br>LATEST REVISION DATE : 5/2/18<br>SHEET 1 OF 1 |