# AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

**Agenda Item:** Lot Cluster Request; Lots 5 & 6 Staples East River

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

**Parties to the Agreement:**

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

**Summary:**

cluster two lots in Staples East River Estates

**Fiscal Impact:**

**Submitted by:** Beth Baker **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 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*

Community Development Department

June 20, 2018

RE: Lot Cluster Request

Robert and Theresa Harper have applied to cluster two lots, number 5 and 6 in Staples East River Estates. The lots are vacant. Combining the lots will result in a lot 2.07 acres in size.

- ✓ The taxes are current
- ✓ The utility companies had no objections
- ✓ The mortgage holder had no objections
- ✓ The Director of Community Development and the County Attorney have both reviewed and approved the application.

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

- ✓ Click public access
- ✓ Click projects
- ✓ Click application number
- ✓ Use Number LUC-18-00013
- ✓ Click on Attachments to view

Please call with any questions or comments.

Thank you,

Beth Baker
Gunnison County Community Development
970-641-7932
bbaker@gunnisoncounty.org

Gunnison County
COLORADO

# 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** _____ Robert W Harper
**(Owner)** **(Owner)**

_____ Theresa T Harper
**(Owner)** **(Owner)**

**RECITALS:**

**Legal Description**: Complete – please attach if too long

23 Jacquelyn Lane - Lot 6 - Staples East River Estates
45 Jacquelyn Lane - Lot 5 - Staples East River Estates

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: 4/16/18 _____ **Owner**

Date: 4/16/18 Merisa L. Hayes **Owner**

Date: _____ _____ **Owner**

Date: 4/16/18 _____ **Mortgage or Lien Holder**

STATE OF COLORADO )
)ss
COUNTY OF GUNNISON )

The foregoing instrument was acknowledged before me this 16th day of April 20 18 by Theresa T. Harper and Robert W. Harper **(Owner/s).**

Witness my hand and official seal.

My Commission expires: April 21, 2018

REBECCA B. MORGAN
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID #20064015594
My Commission Expires April 21, 2018

Rebecca B. Morgan
Notary Public

Address: 33 Ruby Dr.
Mt. CB 81225

STATE OF COLORADO )
)ss
COUNTY OF GUNNISON )

KIMBERLY FAHEY
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID #20164045499
My Commission Expires December 1, 2020

The foregoing instrument was acknowledged before me this 16th day of April 2018 by J. Craig Bryant, Executive Vice President for Gunnison Savings & Loan Association **(Mortgage/Lien Holder).**

Witness my hand and official seal.

My Commission expires: December 1, 2020

Notary Public

Address: 303 N. Main, Gunnison, Co 81230

Date: 4/16/18

| | | |
|---|---|---|
| Phil Chamberland<br>Chairperson | Jonathan Houck<br>Commissioner | John Messner<br>Commissioner |

Board of County Commissioners
Gunnison County, Colorado

Attest:

Gunnison County Clerk and Recorder

KIMBERLY FAHEY
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID #20164046429
My Commission Expires December 1, 2020