AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Lot Cluster Request; Lots 8-10 Block 2, Hermit's H

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement:

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

Summary:

clustering 3 lots in Hermits Hideaway.
Lots 8,9, & 10, Blk 2, Hodgson Family Trust

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:

Reveiwed by: GUNCOUNTY1\mhoyt Discharge Date: 7/12/2018 Certificate of Insurance Required

Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 7/13/2018

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

Agenda Date: 7/17/2018

Revised April 2015

Community Development Department

July 6, 2018

RE: Lot Cluster Request (LUC-18-00027)

James and Jolene Hodgson, representing the James and Jolene Hodgson Family Trust, have applied to cluster three lots number 8-10, in block 2, Hermit's Hideaway. The lots are vacant. Combining the lots will result in a lot 1.249 acres in size.

- ✓ The taxes are current
- ✓ The utility companies had no objections
- ✓ There is no active HOA
- ✓ There is no mortgage holder
- ✓ The Assistant 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-18-00027 (exactly)
- ✓ 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

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 : **The James and Jolene Hodgson Family Trust dated January 19, 2018** **PRIMARY CONTACT: James Hodgson**		
MAILING ADDRESS: 273 S 700 E		
CITY: Alpine	**STATE: Utah**	**ZIP: 84004**
PHONE (home): 801-492-9141	**(cell): 801-361-2467**	
E-MAIL ADDRESS: **james.hodgson@comcast.net**	**E-MAIL ADDRESS:**	

SCANNED

1. **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 8,9,10 BLK 2 HERMITS HIDEAWAY #614613

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: 7-3-18 James L. Hodgson
Owner/ Applicant

Date: 7-3-18 Jolene Hodgson
Owner/ Applicant

AUTHORIZATIONS

Date: 7/10/18 David Burnegardner
Gunnison County Attorney

Date: 7-6-18 N Galebach
Gunnison County Community Development Director

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

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 The James and Jolene Hodgson Family Trust dated January 19, 2018.

James F. Hodgson **Jolene Hodgson**

BY: **Trustee** BY: **Trustee**

RECITALS:

Legal Description: Complete – please attach if too long

LOTS 8, 9, 10 BLK 2 HERMITS HIDEAWAY #614613

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*.

The James and Jolene Hodgson Family Trust dated January 19, 2018

Date: 7-3-18 James T Hodgson
BY: **Trustee**

Date: 7-3-18 Jolene Hodgson
BY: **Trustee**

Date: _____ _____
Owner

Date: _____ _____
Mortgage or Lien Holder

STATE OF ~~COLORADO~~ Utah)
)ss
COUNTY OF ~~GUNNISON~~ Utah)

The foregoing instrument was acknowledged before me this 3rd day of July 2018 by James T Hodgson + Jolene Hodgson **(Owner/ Trustees).**

Witness my hand and official seal.

My Commission expires: 9-15-18

Lori Spencer
Notary Public

Address: _____

AMERICA FIRST FEDERAL CREDIT UNION
P.O. BOX 9199. 1344 W. 4675 SO.
OGDEN, UTAH 84409-0199

LORI SPENCER
Notary Public • State of Utah
Commission # 679428
COMM. EXP. 09/15/2018

STATE OF COLORADO)
)ss
COUNTY OF GUNNISON)

The foregoing instrument was acknowledged before me this _____ day of _____20___ by _____ **(Mortgage/Lien Holder).**

Witness my hand and official seal.

My Commission expires: _____

_____
Notary Public

Address:

Date: _____

_____	_____	_____
Phil Chamberland Chairperson	Jonathan Houck Commissioner	John Messner Commissioner

Board of County Commissioners
Gunnison County, Colorado

Attest:

_____
Gunnison County Clerk and Recorder