AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: BAM Condominium Plat

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement:

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

Summary:

Sign Plat - for Bam Condominiums
Lot 13, Bk 4, CB So. Filing 2

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 10/24/18

Reveiwed by: GUNCOUNTY1\dBaumgarten Discharge Date: 10/24/2018 Certificate of Insurance Required

Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 10/25/2018

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

Agenda Date: 11/6/2018

Revised April 2015

October 22, 2018

RE: Condominium Plat

Rachael A.H. Gardenr, represented by attorney Mike Dawson have submitted a request for condominiumization of a duplex.

The property is located at 310 Elcho Ave, Crested Butte, Co. (AKA) Lot 13, Block 4, Crested Butte So. Filing 2.

The HOA has approved the condominium, and the lender has signed off.

The County Attorney has reviewed the plat.

There will be a plat and covenants filed for this condominium.

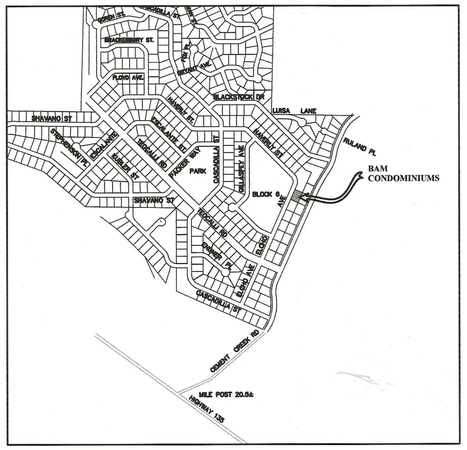
You may view the file at:

http://204.132.78.100/citizenaccess/
Click on public access
Click on projects
Click on attachments
Use Application No. LUC-18-00023 (exactly)
View Attachments

If you have any questions please call.

Thanks,
Beth Baker
Gunnison County Community Development

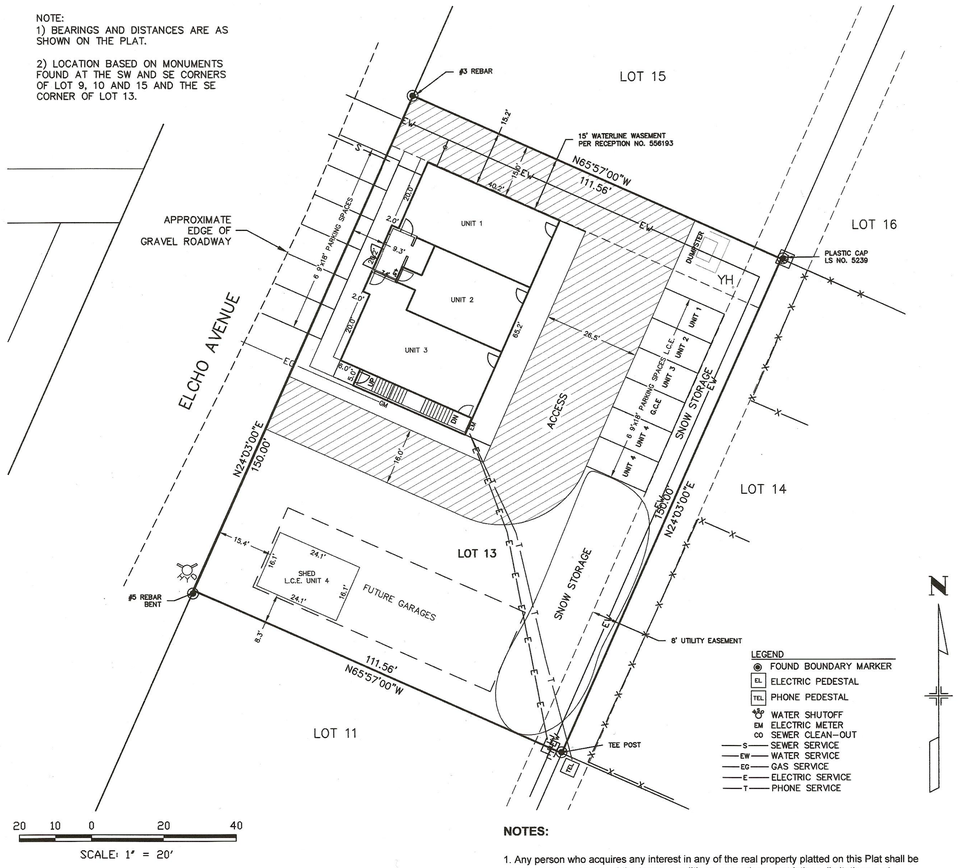
PLAT OF
BAM CONDOMINIUMS
LOT 13, BLOCK 4, CRESTED BUTTE SOUTH-SECOND FILING
GUNNISON COUNTY, COLORADO
LOCATED WITHIN THE NORTHWEST QUARTER SECTION 27
TOWNSHIP 14 SOUTH, RANGE 85 WEST, 6TH PRINCIPAL MERIDIAN



VICINITY MAP
SCALE: 1"=1000'±

NOTE:
1) BEARINGS AND DISTANCES ARE AS SHOWN ON THE PLAT.

2) LOCATION BASED ON MONUMENTS FOUND AT THE SW AND SE CORNERS OF LOT 9, 10 AND 15 AND THE SE CORNER OF LOT 13.



ATTORNEY'S OPINION

I, Michael C. Dawson, 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 Rachael A.H. Gardner, and is free and clear of all liens, defects, encumbrances, restrictions and reservations except as follows:

1. Reservations contained in the United States Patents as reserved in the United States Patent recorded May 22, 1918 in Book 184 at Page 136 and in Book 184 at Page 353.
2. Easement and right of way for cattle driveway as reserved in Warranty Deed recorded October 1, 1936 in Book 245 at Page 364.
3. Non-exclusive easements for right of way for roads over right of way in Crested Butte South, all filings, for access to and from lands owned by Crested Butte Highlands, Inc. granted in instrument recorded May 12,1977 in Book 502 at Page 237.
4. All matters as shown on the Plat of Crested Butte South - Filing 2, recorded September 28, 1970 as Reception No. 281588.
5. Covenants and Restrictions of Crested Butte South recorded August 26, 1970 in Book 420 at Page 404, in Resolution of the Crested Butte South Property Owners' Association Board of Directors Concerning the Amendment of the Covenants and Restrictions of Crested Butte South recorded January 21, 1983 in Book 589 at Page 304, in Resolution recorded December 8, 1988 in Book 661 at Page 284, in Resolution recorded April 27, 1990 in Book 677 at Page 578, in Resolution recorded April 27, 1990 in Book 677 at Page 581, in Resolution recorded November 20,1990 in Book 684 at Page 901, in Resolution recorded June 8,1993 in Book 725 at Page 218, in Resolution recorded October 22, 1993 in Book 733 at Page 740, and in Resolution recorded December 15, 1994 in Book 757 at Page 223.
6. Amendment to the Covenants and Restrictions of Crested Butte South recorded August 26, 1970 in Book 420 at Page 404 regarding regulation of modular or factory built structures recorded May 1, 1996 in Book 782 at Page 202.
7. Amendment to the Covenants and Restrictions of Crested Butte South recorded August 26, 1970 in Book 420 at Page 404 regarding minimum size of Multi-Family structures recorded May 1, 1996 in Book 782 at Page 203.
8. Amendment to the Covenants and Restrictions of Crested Butte South recorded August 26, 1970 in Book 420 at Page 404 regarding residential uses on commercial property recorded May 1, 1996 in Book 782 at Page 204.
9. Amendment to the Covenants and Restrictions of Crested Butte South recorded August 26, 1970 in Book 420 at Page 404 regarding resubdivision recorded May 1, 1996 in Book 782 at Page 205.
10. Notice of Amendment of Covenants and Restrictions of Crested Butte South recorded November 22, 1996 as Reception No. 472225.
11. Amendment to the Covenants and Restrictions of Crested Butte South recorded March 27, 1998 as Reception No. 482581.
12. Resolution Concerning Setbacks for Driveways, Septic Tanks and Wells recorded April 30, 1998 as Reception No. 483318.
13. Resolution Concerning Lot Appearance recorded October 19, 1998 as Reception No. 487930.
14. Rules and Resolutions Regarding Dogs recorded November 8, 1999 as Reception No. 497644.
15. Amending the Resolution Concerning Building Deposits recorded March 22, 2001 as Reception No. 509429.
16. Resolution of the Board of Directors of Crested Butte South Property Owners Association, Inc. Rules and Regulations Regarding Outdoor Commercial Vendors recorded September 25,2001 as Reception No. 514482.
17. Resolution of the Board of Directors of Crested Butte South Property Owner's Association, Inc. Concerning the Provision of the Use of Metal Siding on the Exterior of Buildings in Crested Butte South recorded February 5, 2002, as Reception No. 517978.
18. Resolution of the Board of Directors of Crested Butte South Property Owners Association, Inc. recorded June 23, 2003 as Reception No. 531851.
19. Board of County Commissioners of Gunnison County Resolution No. 03-46 recorded September 25, 2003 as Reception No. 535203.
20. Amendment to Covenants and Restrictions Crested Butte South recorded February 23, 2004 as Reception No. 539220.
21. Board of County Commissioners of Gunnison County Resolution No. 43 Series 2004 recorded July 20, 2004 as Reception No. 544256.
22. Grant of Easement to Crested Butte South Metropolitan District recorded July 27,2005 as Reception No. 556193.
23. All matters as shown on the Improvement Location Certificate prepared by NCW & Associates, Inc., dated March 24,2015, Job No. 15080.00.
24. Taxes for the current year, due and payable the following year.

Dated this 27 day of September, 2018.

Michael C. Dawson, Reg No. 27249
O'HAYRE DAWSON, P.C.
P.O. Box 179
120 N. Taylor Street
Gunnison, Colorado 81230
Telephone No. (970) 641-3326
mdawson@guclaw.com <mailto:mdawson@guclaw.com>

LAND SURVEYOR'S CERTIFICATE

I, Norman C. Whitehead, being a Registered Land Surveyor in the State of Colorado do certify that this Condominium Plat of BAM CONDOMINIUMS, Units 1 through 4 was made by me and under my supervision and is accurate to the best of my knowledge, that the improvements as constructed conform substantially to this condominium map, that this map fully and accurately depicts the layout, measurements and location of all of the improvements on the real property, the condominium designation, the dimensions of such units.

Dated this 26th day of September, 2018.

COLORADO LICENSED NORMAN C. WHITEHEAD 27739 PROFESSIONAL ENGINEER AND P.L.S.

Norman C. Whitehead, P.E.-P.L.S.
Colorado No. 27739

NOTES:

1. Any person who acquires any interest in any of the real property platted on this Plat shall be deemed to have accepted the terms, conditions, exceptions, restrictions, limitations and definitions set forth herein and in the Declaration Establishing BAM Condominiums recorded as Reception No. _____.

2. 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.

3. A blanket easement exists upon, across and over Lot 13 and under all of Units 1 through 4 and the improvements situated thereon, for the benefit of all unit owners of Lot 13, for the installation, replacement, repair and maintenance of all utilities including but not limited to water, sewer, gas, telephone, electricity and cable television, together with the lawn sprinkler system and drainage facilities.

4) Pursuant to Section 5-209 H. of the Gunnison County Land Use Resolution:

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.

Colorado's Fence Out Requirements: A property owner is required to construct and maintain fencing in order to keep livestock off his/her property, and the Owners acknowledge the requirements of Colorado's "Fence Out" law, CRS § 35-46-101 et seq., and the Right-to-Ranch Policy adopted by Gunnison County, as may be amended.

Irrigation Ditch Maintenance: An irrigation ditch owner has the right to enter the designated irrigation ditch maintenance easement, maintain the ditch, and may leave natural debris on the bank.

DEDICATION

I, Rachael A.E. Gardner, and _____, being the Owner and Mortgagee of the land described as follows:

1. Description. The legal description of the real property laid out and platted is as follows:

Lot 13, Block 4, CRESTED BUTTE SOUTH FILING 2
according to the plat thereof recorded at Reception No. 281588.

County of Gunnison,
State of Colorado.

in Gunnison County, Colorado, under the name of BAM CONDOMINIUS have laid out, platted and/or subdivided the same as shown on this plat and do hereby dedicate and convey to the owners of units within this Common Interest Community and their guests, but not to the public at large, the common right to use all common areas, streets, alleys, roads and other 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.

2. Condominium Declaration. The real property laid out and platted as the BAM CONDOMINIUMS, are platted and dedicated pursuant to the terms and conditions of the CONDOMINIUM DECLARATION FOR BAM CONDOMINIUMS, dated _____, and recorded _____bearing Reception No. _____ of the records of Gunnison County, Colorado and the Colorado Common Interest Ownership Act, C.R.S. §38-33.3-101 et. seq., as amended.

In witness whereof, this 27 day of SEPTEMBER, 2018.

Rachael AH Gardner
Rachael A.E. Gardner

By:_____

Name: _____

Title:_____

STATE OF COLORADO)
)ss.
County of Gunnison)

The foregoing instrument was acknowledged before me this 27 day of SEPTEMBER, A.D. 2018, by Rachael A.E. Gardner.

Witness my hand and official seal.
My commission expires: APRIL 6, 2021

(seal) Ashley Allen
Notary Public

ASHLEY E. ALBIN
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20174014943
My Commission Expires April 6, 2021

STATE OF COLORADO)
)ss.
County of _____)

The foregoing instrument was acknowledged before me this ____ day of _____, A.D. 2018, by _____ as _____ of _____.

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

(seal) _____
Notary Public

LENDER'S CONSENT

WesBanco Bank, Inc., a West Virginia corporation ("Lender") is the current holder of certain indebtedness secured by a Mortgage recorded at Reception No. 645896 of the records of Gunnison County, Colorado and an Assignment of Rents recorded at Reception No. 645897 of the records of Gunnison County, Colorado. Lender hereby consents to the condominiumization as set forth herein.

WesBanco Bank, Inc., a West Virginia corporation

By: Jon M Rogers

Name: Jon M Rogers

Title: Senior Vice President

STATE OF West Virginia)
) ss.
County of Hancock)

The foregoing instrument was acknowledged before me this 15 day of Oct, 2018, by Jon M Rogers as Senior Vice President of WesBanco Bank, Inc., a West Virginia corporation.
Witness my hand and official seal.
My commission expires: 2-13-2022
Grant Warren
Notary Public

NOTARY PUBLIC OFFICIAL SEAL
Kristin Hardman
State of West Virginia
My Comm. Exp. Feb. 13, 2022
Wesbanco Bank, Inc.
210 Market Street
Weirton, WV 26062

BOARD OF COUNTY COMMISSIONERS APPROVAL

The within plat of BAM CONDOMINIUMS, is approved this ____ day of _____, A.D. 2018, and 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 expenses of the unit owners and not by Gunnison County of any other public agency.

_____
Chairperson, Gunnison County Board of Commissioners

Attest:

_____
Gunnison County Clerk and Recorder

COMPLIANCE WITH CERTIFICATE OF APPROVAL

The Property described on this plat is subject to all requirements, terms, and conditions of Certificate of Approval, No. _____, recorded at Reception No. _____ of the Records of the Clerk and Recorder of Gunnison County, Colorado.

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 _____.

_____
Gunnison County Clerk and Recorder

282 ELCHO AVENUE
BAM CONDOMINIUMS
LOT 13, BLOCK 4
CRESTED BUTTE SOUTH - SECOND FILING
GUNNISON COUNTY, COLORADO

Prepared By:
NCW & Associates, Inc.
P.O. Box 3688 Crested Butte
(970) 349-6384 Colorado 81224

PROJECT: 17087.00	DWG.: CVR
DATE: 8/23/18	SHEET 1 OF 2