AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Building Adjustment; Lot 4 Lost Miner Subdivision

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement:

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

Summary:

Ken and Kathy Ashwood request an adjustment to the platted building envelope on Lot 4, Lost Miner Ranch Subdivision, to construct a detached garage

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 12/12/18

Reveiwed by: GUNCOUNTY1\dBaumgarten Discharge Date: 12/12/2018 Certificate of Insurance Required Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 12/12/2018

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

Agenda Date: 12/18/2018

Revised April 2015

Lost Miner Architectural Committee

8/8/18

Lot 4 (Ashwood) Proposal

We the Lost Miner Architectural Committee approve the proposal from Lot 4 (Ashwood) for the construction of a garage on Lot 4. Attached is the proposal for review.

This proposal requires that the building envelop on Lot 4 be realigned. This realignment is due the topography of the lot, and will not set precedent for any other lots moving forward.

The proposal affect the owners of Lot 5 more than any other lot due the location of the proposed building envelop, and the garage. Included in the proposal is the letter from the owners of Lot 5. Our approval is based on the fact that the proposal addresses all concerns listed by the owners of lot 5.

Please direct any questions or concerns to:

Bruce "LB" Mullin Jr.
PO Box 1701
Gunnison, CO 81230
970-275-2089
brucemullinjr@gmail.com

Frank Vader Date 8-8-2018
Frank Vader

Jim MacAllister Date 8-24-18
Jim MacAllister

Bruce T Mullin Date 8/8/18
Bruce "LB" Mullin Jr.

kgashwood@hotmail.com

From: Bruce Mullin Jr. <brucemullinjr@gmail.com>
Sent: Monday, July 09, 2018 7:36 AM
To: andieruggera@yahoo.com; Anne Hausler; bchambliss@westernalum.org; Bruce Mullin Jr.; cirendafry80@gmail.com; cirenda.fry@judicial.state.co.us; firstgunnescrow@msn.com; fcutrona@yahoo.com; Frank Vader; Gaelan McKee; lilia1972r1@hotmail.com; 75winze@gmail.com; Jim MacAllister; kgashwood@hotmail.com; ldalleck@western.edu; lchambliss@westernalum.org; gmydds@me.com; Rick Randall; Scott Yates
Subject: Lost Miner Architectural Control Committee- Ashwood Proposal
Attachments: ashwood proposal.PDF

Lost Miner Architectural Committee

Ashwood Proposal

We the Lost Miner Architectural Committee have reviewed the proposed building envelope change, and addition of garage within the new building envelope of lot 4 that was proposed by the Ashwoods at the 2018 annual meeting.

We as a committee approve these proposed changes. Since the building envelope must be moved we wanted to give the Lot owners a chance to comment. Attached is the proposal as submitted to the Architectural committee. Please review and have any comments to LB (brucemullinjr@gmail.com) by July 13th, 2018.

Thank you,
LB Mullin
970-275-2089

WEST ELK WILDERNESS OUTFITTERS
GUNNISON - COLORADO
Bruce "LB" Mullin
970-275-2089
westelkWO@gmail.com
westelkwildernessoutfitters.com

Lost Miner Ranch HOA Minutes of 4/22/18 Anne Hausler's House 2:00PM

Meeting was called to order at 2:00 p.m. by President Anne Hausler

Proxy forms requested with submissions received from:

Scott Yates	Lot 10
Jerry & Penny Burgess	Lot 11
James McAllister	Lot 16

Roll Call-Present:

Vader	Lots 2 & 3
Ashwood	Lot 4
Fry	Lot 5
Hausler	Lot 13
Chambliss	Lot 14
Yarbrough	Lot 17
Mullin & McKee-	Lot 18 Homestead
Total lots represented:	11

Agenda was approved unanimously by all present with the additional agenda requested by Ken & Kathy Ashwood, Lot 4 owners to address the group under VI. Architectural Committee Report. Motion to approve- Chambliss. Second-Yarbrough.

Minutes of last year's meeting were approved without additions. Motion to approve-Hausler. Second-Vader.

Treasurer presented her report of expenditures and balances. All lot owners received a copy via email prior to the meeting. Additional copies can be obtained by contacting the Treasurer at lchambliss@westernalum.org.

Annual Dues: Total proposed dues	Lots 1-10 $310.00
	Lots 11-17 $510.00

Discussion: Lot owner proposal to create and average for dues (CCR covenant #17.5)

Frank Vader proposed more flexibility for money to be moved around to take care of issues as they arise. Also proposed was that there be one account for Road Maintenance and that snow plowing be a sub-account, Itemization of what is spend on each would still be broken out in the treasurers report. Further discussion was had by the group.

Motion to give the Board of Directors (Executive Board) the authority to manage/move around the funds as they are needed for the expenditures as outlined below- Vader. Second-Yarbrough. All in favor.

1. Office/tax prep funds.
    a. Discussion- $10.00 annually presented by Treasurer on the BOD's recommendation.
    b. Approved by all lot owners present and represented by proxy.
2. Snow Plowing.
    a. Discussion- $50.00 annually presented by Treasurer on the BOD's recommendation.
    b. Approved by all lot owners present and represented by proxy.
3. Road Maintenance.
    a. Discussion-$250.00 annually presented by Treasurer on the BOD's recommendation. Bill Chambliss gave an overview of road maintenance time frames.
    b. Approved by all lot owners present and two by proxy. One proxy vote opposed.
4. Southside only diversion dam/ditch repair funds lots 11-17.
    a. Discussion-$200 annually presented by Treasurer on the BOD's recommendation.
    b. Approved by all lot owners present and two represented by proxy.
5. Dues payment date will be September 1, 2018.
6. Property lien filing letters will be October 1, 2018.

**Proxy votes were read by Secretary to the group prior to the vote on the four agenda items listed above.

Architectural Committee Report:

1. Update from Chair. Frank Vader gave a report that no new building projects have been presented to the committee for action.
2. Status Report on unapproved portable structure and in-operative vehicle.
    a. Discussion as to portable structure- Vader informed the group that letter had been sent to the owners of lot 4 in regards to the portable structure/weather port. The lot owners, Ken and Kathy Ashwood were present and at this time requested to present solution. The group heard their proposal requesting permission to follow the appropriate steps for realignment of their building envelope which will allow them to build a permanent structure (barn), then once complete they would take down the weather port. The group was provided a diagram of the proposed building envelope and a letter of approval from the Fry's, owners of lot 5. They will have the new building envelope surveyed and recorded with the Gunnison County Clerk and Recorders office. They will then submit building plans to the Architectural Committee for approval.

b. Motion to approve the Ashwood's temporary storage structure for an additional year beginning today or until such time they can have the building envelope realigned and submit plans to the Architectural Committee for approval – Chambliss Second-Yarbrough. All in favor. Motion carries.

c. Motion to approve realignment of building envelope for lot 4 per county approval-Chambliss, Second –Yarbrough. All in favor. Motion carries.

2.A. In-operative vehicle(s) and amount of goats now located on lot 1.

a. Discussion- After some discussion it was determined that this is a non-architectural issue and that a separate committee should be formed to address these types of violations.

b. Motion to form a committee which should consist of the Board of Directors, at least one Architectural committee member and volunteer(s) to come up with a proposal for steps to take when someone is in violation -Hausler. Second- Chambliss. All is Favor. Frank Vader appointed from the architectural committee, L.B. Mullin and Ryan Fry volunteered.

c. The Board of Directors will then meet with the lot 1 owner(s) to come up with an agreeable plan to resolve the current violations with deadlines and consequences.

3. The Board of Directors suggests that the Architectural Committee have recommendation of policy and procedure to bring placement of portable structure before the group at large as stated in the 2007 minutes. Also set guidelines as to placement, colors, shape, durability and number of structures.

a. Discussion-After some discussion by the group it was determined that all requests for temporary structures must be presented to the Board of Directors for final decision by the entire Homeowners Association at a regular meeting.

3.a. Covenant Amendment to add to 16.4.5 as follows: (a) *Any tract owner who is out of compliance with the Lost Miner Ranch Declaration of Protective Covenants shall lose all voting privileges until the Lost Miner Board of Directors (Executive Board) deems it appropriate to reinstate.*

a. Discussion- Due to the discussions on the above items it was determined that this should be a last resort.

b. Motion to withdraw the Board of Directors recommendation for the covenant amendment- B. Chambliss. Second-Yarbrough. All in Favor.

Election of Officers:

President:	Anne Hausler
Vice President:	Bill Chambliss

Secretary: Cirenda Fry

Treasurer: Linda Chambliss

a. Discussion-None.
b. Motion to accept the officers- Mullin. Second-Vader. All in favor. Motion carries.

Architectural Committee: Frank Vader- 3rd year

Jim MacAllister-2nd year

L.B. Mullen-1st year

Scott Yates-alternate

a. Discussion- Frank Cutrona's term is complete which leaves a vacancy. Bill Chambliss nominated L.B. Mullin and he accepted.
b. Motion to fill the vacancy with L.B. Mullin-Chambliss. Second-Yarbrough. All in favor. Motion carries.

Other:

1. Request for someone to take over the coordination of snow removal and notification homeowners.
    a. Ryan Fry volunteered and will take over the coordination and notification process.
2. Haying will ramin contracted by Pat Youmans and grazing on south side will remain contracted by Rick Randall.
3. Well permits. Anne Hausler is working with Law of the Rockies to verify all well permits are in the correct names and/or to complete any well transfers need done.
4. Tomichi Fishing: To sustain our fishery, fishing for owners and guests is catch release with only single barbless hooks. Owners must be present when guests (4 guest limit) are fishing.
    a. Discussion: Mark Yarbrough recommended that the above be amended to allow for **two** single barbless hooks to be used.
    b. All lot owners present approved. This amendment will be added to the updated CC&R's.
5. Updated contact information sheets were collected by the Secretary from those present.
6. Treasurer signing authority at bank.
    a. Discussion- Treasurer requested to be given signing authority at the bank as this was not completed as it should have been when she was appointed as treasurer.
    b. Motion to add Linda Chambliss to the signature card at the Bank –Yarbrough. Second-Vader. All in favor. Motion carries.
7. CC&R update given by Bill Chambliss.

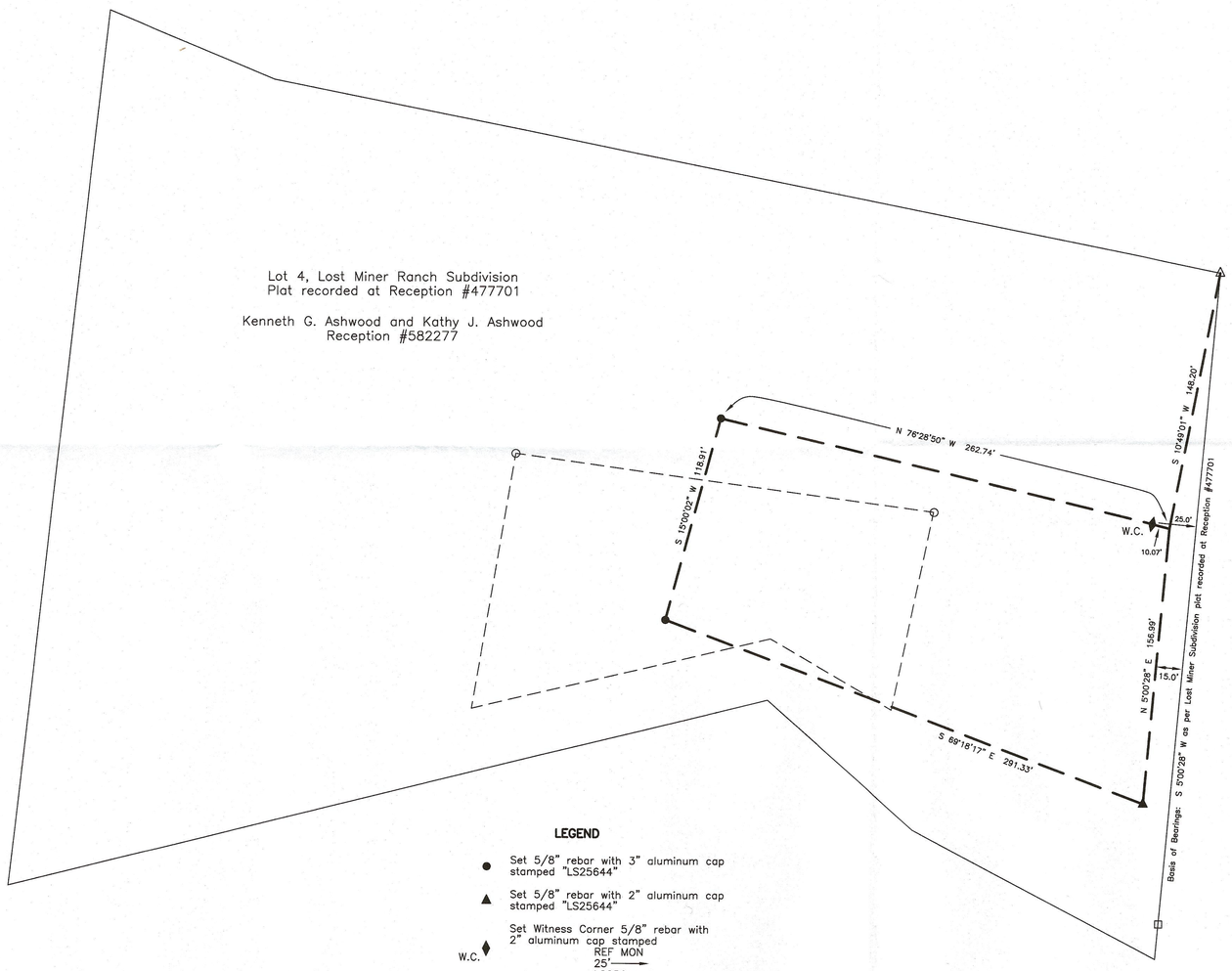
a. Discussion- Bill Chambliss recommended CC&R's be updated to include language from minutes over the years by adding (* see page __) to page 20. All present agreed that the update is important for buying and selling purposes.
b. Approved unanimously by all lot owners present. Bill will present the additions to the Board of Directors for approval prior to the addition to the CC&R's.

Next annual meeting date is April 28, 2019 at 2:00 p.m. Location to be determined.

Adjourned at 4:00 p.m.

CORRECTED PLAT OF LOT 4, LOST MINER RANCH SUBDIVISION (ALTERATION OF BUILDING ENVELOPE)

Located in Section 2, T. 49 N. R. 1 E., New Mexico Principal Meridian, Gunnison County, Colorado



LEGEND

- ● Set 5/8" rebar with 3" aluminum cap stamped "LS25644"
- ▲ Set 5/8" rebar with 2" aluminum cap stamped "LS25644"
- W.C. ♦ Set Witness Corner 5/8" rebar with 2" aluminum cap stamped REF MON 25' → LS25644
- △ Found 1/2" rebar with yellow plastic cap marked "LOT CRN" and "LS11250"
- □ Found 1/2" rebar with yellow plastic cap marked "LS33647" and "LINE PT"
- ○ Found 1/2" rebar with yellow plastic cap marked "LS33647"
- — — — — Original Building Envelope as shown on plat recorded at Rec. #477701
- — — — New Building Envelope as created by this plat

STATEMENT OF CORRECTION:

The purpose of this plat is to alter the location of the Building Envelope on Lot 4, Lost Miner Ranch Subdivision, as recorded at Reception #477701, Gunnison County Recorder's Office.

SURVEYOR'S STATEMENT:

The record information which is referenced hereon is the result of research performed by this surveyor and is not necessarily complete or conclusive.

This survey did not verify the boundaries of Lot 4 and this plat is not to be construed as a "Land Survey Plat".

I, Terri A. Weber, Professional Land Surveyor in the State of Colorado, do hereby certify to Kenneth G. Ashwood and Kathy J. Ashwood, that is survey was performed under my responsible charge, direct responsibility, supervision, and checking, was executed based upon my knowledge, information, and belief, is in accordance with applicable standards of practice, and is not a guarantee or warranty, either expressed or implied. This statement does not extend to any un-named person without an express statement by this surveyor naming such person. This is not a valid survey without the original seal and signature of the undersigned surveyor.

_____
Terri A. Weber
Colorado Professional Land Surveyor #25644

_____
Date

BOARD OF COUNTY COMMISSIONER'S APPROVAL:

The within Corrected Plat of LOT 4, LOST MINER RANCH SUBDIVISION is approved this

_____ day of _____, A.D. 2018.

_____
Chairperson, Board of County Commissioners

Attest:

_____
Gunnison County Clerk and Recorder

GUNNISON COUNTY CLERK AND RECORDER'S ACCEPTANCE

This survey was accepted for deposit 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

40' 20 0 40' 80'

SCALE 1" = 40'
U.S. Survey Foot

NORTH STAR SURVEYING, INC.

Alteration of Building Envelope
Lot 4
Lost Miner Ranch Subdivision
located in
Section 2
T. 49 N. R. 1 E.
New Mexico P.M.
Gunnison County, Colorado

DRAWN BY: Terri Weber	DATE: Nov. 12, 2108
	JOB: 18005ASH