AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Boundary Line Adjustment; Roberts Land & Cattle

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement:

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

Summary:

Boundary Line Adjustment

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 1/16/19

Reveiwed by: GUNCOUNTY1\dBaumgarten Discharge Date: 1/16/2019 Certificate of Insurance Required

Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 1/17/2019

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

Agenda Date: 1/22/2019

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

January 14, 2019

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

FROM: **Neal Starkebaum**
Assistant Director

SUBJECT: **Roberts Land and Cattle, LLC/Cockcroft**
LUC #18-00051
Boundary Line Adjustment

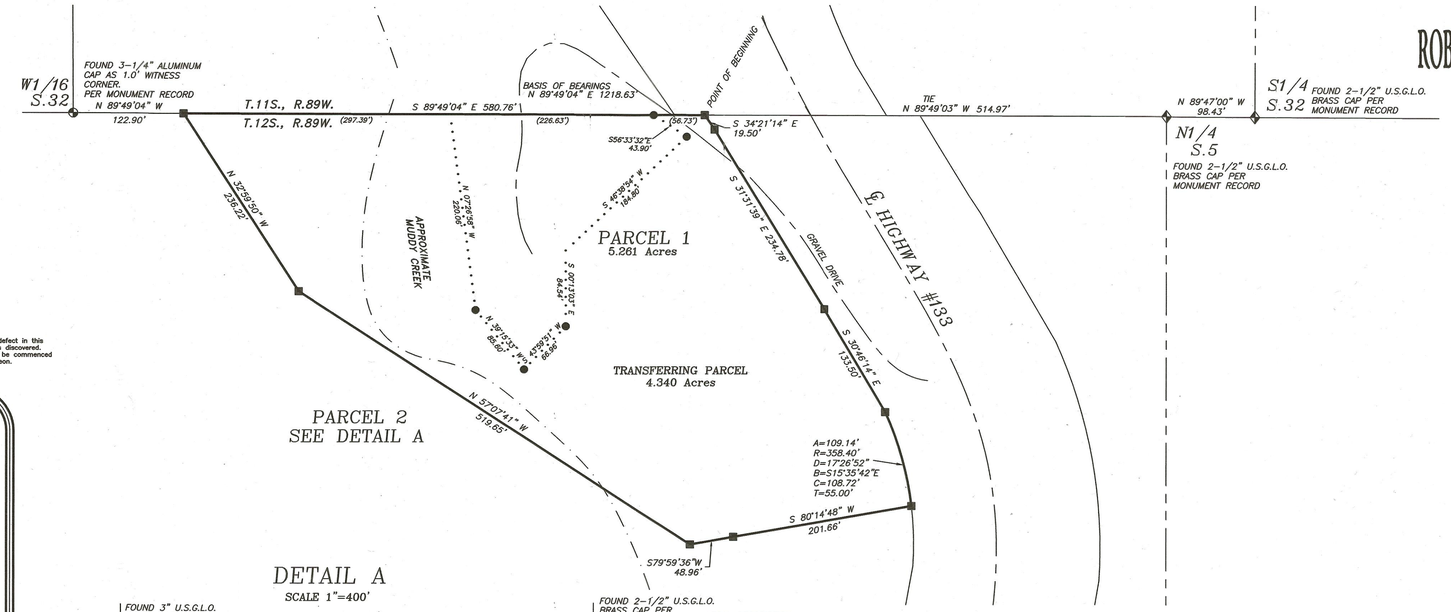
Request from Roberts Land and Cattle, LLC/Cockroft, for a boundary line adjustment.

Attachments:
Boundary Line Adjustment Plat

ROBERTS LAND AND CATTLE LLC / COCKROFT BOUNDARY LINE ADJUSTMENT

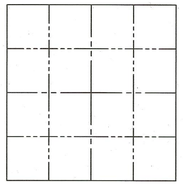
WITHIN SECTION 5, T.12S., R.89W., 6TH P.M.

GUNNISON COUNTY, COLORADO

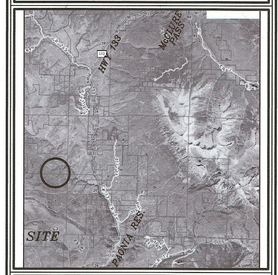


NOTE: According to Colorado law any legal action based upon a defect in this survey must be commenced within three years after such defect is discovered. In no event may any action based upon any defect in this survey be commenced more than ten years from the date shown on the certification hereon.

SEE PLAT



CONTROL MAP



AREA LOCATOR

TYPICAL LEGEND

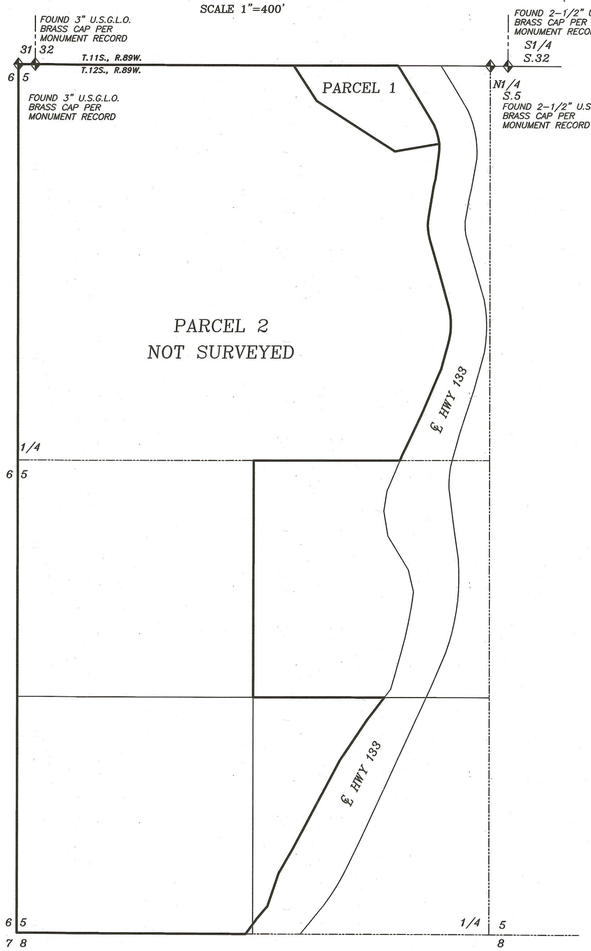
- Set Mag Nail in Asphalt
- Found 5/8" rebar with 2" aluminum cap PLS25972
- Found 5/8" rebar with 2" aluminum cap as Witness corner or linepin PLS25972
- Set 5/8" rebar 30" long with 2" aluminum cap PLS25972
- Set 5/8" rebar 30" long with 2" aluminum cap as Witness corner or linepin PLS25972
- Found 3/4" rebar 30" long with 3-1/4" aluminum cap PLS25972 per monument record
- ORIGINAL USGLE brass cap as noted

—x— Fencelines
—E— Electric (overhead)
—UE— Electric (underground)
—W— Water line
- - - - - Easement
· · · · · · Previous Parcel Boundary

BASIS OF BEARINGS:
N.89°49'04"E. FROM THE SOUTH ¼ SECTION CORNER SEC. 5 TO SOUTH W1/16 CORNER OF SEC. 32
GEODETIC NORTH
GPS OBSERVATION
SCALE 1"=80 U.S. SURVEY FEET
0 40 80 160

DETAIL A

SCALE 1"=400'



LEGAL DESCRIPTION
PARCEL 1

A parcel of land located in Government Lot 3 of Section 5, Township 12 South, Range 89 West of the 6th Principal Meridian, having a description based upon a bearing of N.89°49'04"W. from the N1/4 Corner of said Section 5 (monumented by a 2 1/2" brass cap USGLO) to the South W1/16 Corner of Section 32, Township 11 South, Range 89 West of the 6th P.M. (monumented by a 2 1/2" aluminum cap PLS 25972), with all other bearings relative thereto and being more particularly described as follows:
Beginning at a intersection point being on the north line of said Government Lot 3 and the westerly right-of-way line of Colorado State Highway No. 133 from whence the N1/4 of said Section 5 bears S.89°49'04"E. 514.97 feet (monumented by a 2" aluminum cap PLS25972); thence along said westerly right-of-way line of Colorado State Highway No. 133 the following four (4) courses: (1) S.34°21'14"E. 19.50 feet (monumented by a 2" aluminum cap PLS25972); (2) thence S.31°31'39"E. 234.78 feet (monumented by a 2" aluminum cap PLS25972); (3) thence S.30°46'14"E. 133.50 feet (monumented by a 2" aluminum cap PLS25972); (4) thence on a non-tangent curve to the right with an arc length of 109.14 feet, having a radius of 358.40 feet, with a chord bearing and distance of S.15°35'42"E. 108.72 feet (monumented by a 2" aluminum cap PLS25972); thence leaving said westerly right-of-way line S.80°14'48"W. 201.66 feet (monumented by a 2" aluminum cap PLS25972); thence S.79°59'36"W. 48.96 feet (monumented by a 2" aluminum cap PLS25972); thence N.57°07'41"W. 519.65 feet (monumented by a 2" aluminum cap PLS25972); thence N.32°59'50"W. 236.22 feet to the north line of said Government Lot 3 (monumented by a 2" aluminum cap PLS25972); thence along said north line S.89°49'04"E. 580.76 feet to the Point of Beginning, said parcel containing 5.261 acres, more or less.
County of Gunnison,
State of Colorado.

LEGAL DESCRIPTION
PARCEL 2

Township 12 South, Range 89 West, 6th P.M.

Section 5: A tract of land located in the W1/2 of said Section 5, more particularly described as follows:
Beginning at the SW corner of said Section 5, running South 89°49' East 1495 feet along Section line to County Road; thence along the West side of said road North 35°41' East 373 feet; thence North 26°29' East 1541 feet; thence North 5°39' East 263 feet; thence North 5°45' West 496 feet; thence North 16°37' West 253 feet; thence North 23°18' East 311 feet; thence North 5°28' East 457 feet; thence North 11°21' West 190 feet; thence North 23°03' West 283 feet; thence North 3°59' East 299 feet; thence North 31°46' East 147 feet; thence North 4°47' East 182 feet; thence North 38°03' West 470 feet to a point on the North line of said Section 5, 495 feet West of the North quarter corner thereof; thence North 89°50' West 2148 feet to the NW corner of said Section 5; thence South 0°03' West 4841 feet to the point of beginning,

EXCEPTING THEREFROM that portion of the subject property conveyed to the Department of Highways, State of Colorado as described in Special Warranty Deed recorded April 28, 1976 in Book 493 at Page335,

ALSO EXCEPTING THEREFROM that portion of the subject property conveyed to LeRoy Barich and Velma Louise Barich in Deeds recorded August 13, 1976 in Book 495 at Page
338 and recorded November 5, 1979 in Book 543 at Page 387, described as follows:

A part of Lot 3, Section 5, Township 12 South, Range89 West, 6th P.M., bounded and described as follows: Beginning at a point on the North line of said Lot 3, whence the North quarter corner of Section 5 bears South 89°50' East 567 feet, and running thence South 54°04' East 38.5 feet; thence South 46°43' West 193.5 feet, thence South 4°43' East 78 feet; thence South 41°48' West 68 feet; thence North 39°16' West 85.6 feet; thence North 7°20' West 220 feet to a point on the North line of said Lot 3; thence South 89°50' East 231.5 feet along said North line to the point of beginning.

ALSO EXCEPTING THEREFROM
TRANSFERRING PARCEL

A parcel of land located in Government Lot 3 of Section 5, Township 12 South, Range 89 West of the 6th Principal Meridian, having a description based upon a bearing of N.89°49'04"W. from the N1/4 Corner of said Section 5 (monumented by a 2 1/2" brass cap USGLO) to the South W1/16 Corner of Section 32, Township 11 South, Range 89 West of the 6th P.M. (monumented by a 2 1/2" aluminum cap PLS 25972), with all other bearings relative thereto and being more particularly described as follows:
Beginning at a intersection point being on the north line of said Government Lot 3 and the westerly right-of-way line of Colorado State Highway No. 133 from whence the N1/4 of said Section 5 bears S.89°49'04"E. 514.97 feet (monumented by a 2" aluminum cap PLS25972); thence along said westerly right-of-way line of Colorado State Highway No. 133 the following four (4) courses: (1) S.34°21'14"E. 19.50 feet (monumented by a 2" aluminum cap PLS25972); (2) thence S.31°31'39"E. 234.78 feet (monumented by a 2" aluminum cap PLS25972); (3) thence S.30°46'14"E. 133.50 feet (monumented by a 2" aluminum cap PLS25972); (4) thence on a non-tangent curve to the right with an arc length of 109.14 feet, having a radius of 358.40 feet, with a chord bearing and distance of S.15°35'42"E. 108.72 feet (monumented by a 2" aluminum cap PLS25972); thence leaving said westerly right-of-way line S.80°14'48"W. 201.66 feet (monumented by a 2" aluminum cap PLS25972); thence S.79°59'36"W. 48.96 feet (monumented by a 2" aluminum cap PLS25972); thence N.57°07'41"W. 519.65 feet (monumented by a 2" aluminum cap PLS25972); thence N.32°59'50"W. 236.22 feet to the north line of said Government Lot 3 (monumented by a 2" aluminum cap PLS25972); thence along said north line S.89°49'04"E. 297.39 feet; thence leaving said north line S.07°26'58"E. 220.06 feet; thence S.39°15'33"E. 85.60 feet; thence N.43°59'51"E. 66.96 feet; thence N.00°13'03"W. 84.54 feet; thence N.46°38'54"E. 184.80 feet; thence N.56°33'32"W. 43.90 feet to the north line of said Government Lot 3; thence along the north line of said Government Lot 3 S.89°49'05"E. 56.73 feet to the Point of Beginning, said parcel containing 4.340 acres, more or less.
County of Gunnison,
State of Colorado.

LEGAL DESCRIPTION
TRANSFERRING PARCEL

A parcel of land located in Government Lot 3 of Section 5, Township 12 South, Range 89 West of the 6th Principal Meridian, having a description based upon a bearing of N.89°49'04"W. from the N1/4 Corner of said Section 5 (monumented by a 2 1/2" brass cap USGLO) to the South W1/16 Corner of Section 32, Township 11 South, Range 89 West of the 6th P.M. (monumented by a 2 1/2" aluminum cap PLS 25972), with all other bearings relative thereto and being more particularly described as follows:
Beginning at a intersection point being on the north line of said Government Lot 3 and the westerly right-of-way line of Colorado State Highway No. 133 from whence the N1/4 of said Section 5 bears S.89°49'04"E. 514.97 feet (monumented by a 2" aluminum cap PLS25972); thence along said westerly right-of-way line of Colorado State Highway No. 133 the following four (4) courses: (1) S.34°21'14"E. 19.50 feet (monumented by a 2" aluminum cap PLS25972); (2) thence S.31°31'39"E. 234.78 feet (monumented by a 2" aluminum cap PLS25972); (3) thence S.30°46'14"E. 133.50 feet (monumented by a 2" aluminum cap PLS25972); (4) thence on a non-tangent curve to the right with an arc length of 109.14 feet, having a radius of 358.40 feet, with a chord bearing and distance of S.15°35'42"E. 108.72 feet (monumented by a 2" aluminum cap PLS25972); thence leaving said westerly right-of-way line S.80°14'48"W. 201.66 feet (monumented by a 2" aluminum cap PLS25972); thence S.79°59'36"W. 48.96 feet (monumented by a 2" aluminum cap PLS25972); thence N.57°07'41"W. 519.65 feet (monumented by a 2" aluminum cap PLS25972); thence N.32°59'50"W. 236.22 feet to the north line of said Government Lot 3 (monumented by a 2" aluminum cap PLS25972); thence along said north line S.89°49'04"E. 297.39 feet; thence leaving said north line S.07°26'58"E. 220.06 feet; thence S.39°15'33"E. 85.60 feet; thence N.43°59'51"E. 66.96 feet; thence N.00°13'03"W. 84.54 feet; thence N.46°38'54"E. 184.80 feet; thence N.56°33'32"W. 43.90 feet to the north line of said Government Lot 3; thence along the north line of said Government Lot 3 S.89°49'05"E. 56.73 feet to the Point of Beginning, said parcel containing 4.340 acres, more or less.
County of Gunnison,
State of Colorado.

SURVEYOR'S CERTIFICATION
I, Randy A. Wilmore, do hereby certify that the above described parcel has been surveyed by me and under my direct supervision and that such survey is accurately represented hereon, and is based upon my knowledge, information and belief, and is in accordance with applicable standards of practice and is not a guaranty or warranty, either expressed or implied. I further certify that the monuments shown hereon actually exist, and that their positions are as shown. I further certify that this Boundary Agreement plat is made according to the agreement of the adjoining land owners and that no new parcels were created.

Date: JAN 2019 Signed: _____
COLORADO PROFESSIONAL LAND SURVEYOR #25972

COLORADO REGISTERED PROFESSIONAL LAND SURVEYOR RANDY A. WILMORE 25972

AGREEMENT:

I/We, being the Owner(s) of the land as shown hereon do hereby agree to the boundary lines as shown hereon and that no new parcels were created by this boundary line agreement.

In witness whereof Roberts Land and Cattle LLC, a Colorado limited liability company and Sandra J. Cockroft and Shirley M. Arndt and Sharon L. Barnes have subscribed their name(s) this 11th day of January, A.D. 2019.

By: Bill Roberts
Bill Roberts as manager of the Roberts Land and Cattle LLC, a Colorado limited liability company

By: Sandra J. Cockroft
Sandra J. Cockroft

By: Shirley M. Arndt
Shirley M. Arndt

By: Sharon L. Barnes
Sharon L. Barnes

NOTARIAL:
State of Colorado)
ss.
County of Delta)

The foregoing instrument was acknowledged before me this 11th day of January, A.D. 2019, by Bill Roberts as manager of the Roberts Land and Cattle LLC, a Colorado limited liability company
My commission expires: June 15, 2020.
My address is 321 Grand Avenue
Paonia, CO 81428
Witness my hand and official seal.

NADINE MARIE OBRIEN
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20164022764
MY COMMISSION EXPIRES JUNE 15, 2020

NOTARIAL:
State of Colorado)
ss.
County of Delta)

The foregoing instrument was acknowledged before me this 11th day of January, A.D. 2019, by Sandra J. Cockroft
My commission expires: May 25, 2022
My address is 321 Grand Avenue
Paonia, CO 81428
Witness my hand and official seal.

DAVID A. MAREK
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 19994007277
MY COMMISSION EXPIRES MAY 25, 2022

NOTARIAL:
State of Colorado)
ss.
County of Delta)

The foregoing instrument was acknowledged before me this 11th day of January, A.D. 2019, by Shirley M. Arndt
My commission expires: June 15, 2020.
My address is 321 Grand Ave.
Paonia, CO 81428
Witness my hand and official seal.

NADINE MARIE OBRIEN
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20164022764
MY COMMISSION EXPIRES JUNE 15, 2020

NOTARIAL:
State of Colorado)
ss.
County of Delta)

The foregoing instrument was acknowledged before me this 11th day of January, A.D. 2019, by Sharon L. Barnes
My commission expires: June 15, 2020.
My address is 321 Grand Avenue
Paonia, CO 81428
Witness my hand and official seal.

NADINE MARIE OBRIEN
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20164022764
MY COMMISSION EXPIRES JUNE 15, 2020

ATTORNEY'S OPINION

I, David A. Marek, 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 vested in the above Named owners and is free and clear of all liens, defects, encumbrances, restrictions and reservations except as follows: None. Dated this 11th day of January, 2019.
Attorney at Law

BOARD OF COUNTY COMMISSIONERS' APPROVAL

The within plat of the boundary line adjustment ROBERTS LAND AND CATTLE LLC / COCKROFT BOUNDARY LINE ADJUSTMENT is approved this _____ day of _____, A.D. 20____.

_____
Chairman, Gunnison County Board of 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 _____, 20____, Deposit Number _____.

Time_____, Date_____.

_____
Gunnison County Clerk and Recorder

WILMORE & COMPANY
PROFESSIONAL LAND SURVEYING, INC.
406 Grand Avenue
P.O. Box 1652
Paonia, Colorado 81428
970.527-4200 PHONE
970.527-4202 FAX
www.wilmorelandsurveying.com
EMAIL randy@wilmorelandsurveying.com
Defining Boundaries

FIELD CREW: RAW
DRAFTER: RAW
CHECKED BY: KC

ROBERTS LAND AND CATTLE LLC / COCKROFT BOUNDARY LINE ADJUSTMENT
WITHIN SECTION 5, T.12S., R.89W., 6TH P.M.
GUNNISON COUNTY, COLORADO

J18250 | 10 JANUARY 2019