AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Back Nine Condominiums; Building D Plat

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement:

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

Summary:

sign the supplemental plat of Back Nine Condominiums Building D

Fiscal Impact:

Submitted by: Beth Baker **Submitter's Email Address:** bbaker@gunnsioncounty.org

Finance Review: ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ◉ Required ○ Not Required

Comments:
ok db 4/11/19

Reveiwed by: GUNCOUNTY1\dBaumgarten Discharge Date: 4/11/2019 Certificate of Insurance Required

Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 4/11/2019

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

Agenda Date: 4/16/2019

Revised April 2015

April 10, 2019

To: BoCC
From: Beth Baker
RE: Condominium Plat

The Back Nine Condominium Developer, Mark Lucas, has applied for approval of the Back Nine Condominiums, Building D plat. Buildings A, B and C have been approved by the BoCC. The Plat has been reviewed and approved by the County Attorney.

You may view the file using the link:
http://204.132.78.100/citizenaccess/
Click Projects
Click Application Number
Use LUC-19-00011
Click on the project
Click on Attachments to view documents

If you have any questions or comments please call.

Thank you,
Beth Baker
Administrative Services Manger
Gunnison County Community and Economic Development Department
221 N. Wisconsin St. #D
Gunnison, Co. 81230
970-641-0360

SUPPLEMENTAL MAP OF THE BACK NINE CONDOMINIUMS, BUILDING D
GUNNISON COUNTY, COLORADO

NOTES

1. Any person who acquires any interest in any of the real property platted on this Supplemental Map shall be deemed to have accepted the terms, conditions, exceptions, restrictions, limitations and definitions set forth herein and in the Declaration Establishing The Back Nine Condominiums recorded as Reception No. 573386 and the Supplemental Declaration Establishing Building A of The Back Nine 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. Upon completion of the installation or maintenance of any utilities, the property disturbed or damaged by such installation or maintenance shall be restored as near as reasonably possible to its original condition.

4. Animals must be controlled by kenneling, leashing or other physical constraint. Any expense of enforcing domestic animal control restrictions by Gunnison County shall be at the expense of the The Back Nine Condominiums Association or the individual unit owner.

5. C.R.S. Section 35-46-101 et seq. requires The Back Nine Condominiums Association to construct and maintain fencing to keep livestock off of The Back Nine Condominiums property.

6. An irrigation ditch owner has the right to enter the designated irrigation ditch maintenance easement, maintain the ditch and leave natural debris on the bank of the ditch.

SURVEYOR'S CERTIFICATE

I, Timothy E. Pearson, do hereby certify that I am a professional land surveyor licensed under the law of the State of Colorado, that this Supplemental Map is a true, correct and complete map of The Back Nine Condominiums, Building D as laid out, platted and dedicated and shown hereon, that such Supplemental Map was made by me from an accurate survey of said property by me and under my supervision and correctly shows the location and dimensions of the boundary and easements of The Back Nine Condominiums, Building D as the same are staked upon the ground in compliance with applicable regulations governing the subdivision of land. This Supplemental Map contains all information required by C.R.S. Section 38-33.3-209.

Dated this 9th day of April, 2019.

Timothy E. Pearson

Timothy E. Pearson
Colorado Professional L.S. No. 34979

COLORADO REGISTERED 34979 PROFESSIONAL LAND SURVEYOR TIMOTHY E. PEARSON

4-9-19

ATTORNEY'S OPINION

I, David Leinsdorf, an attorney at law licensed to practice in the State of Colorado, hereby certify that I have examined title to all lands herein dedicated and shown upon this Supplemental Map. Such title is vested in West Elk Properties, LLC, a Colorado limited liability company, and is free and clear of all liens, defects, encumbrances, restrictions and reservations, except as follows:

1. The lien for 2019 real property taxes.

2. United States Patents recorded in Book 45 at page 39 and in Book 101 at page 127.

3. Any taxes, fees, restrictions, obligations, assessments or charges by reason of the inclusion of the subject property within the Dos Rios Division of the Gunnison County Water and Sewer District. Any and all Resolutions made by the Board of County Commissioners for Gunnison County establishing the schedule of fees and rates for sewer and water service within said district.

4. Declaration of Protective Covenants for Dos Rios Unit No.3, recorded in Book 521 at page 582 and Amendments recorded as Reception No. 479386 and as Reception No. 557682.

5. Utility easement recorded in Book 585 at page 185.

6. Grant of Easement recorded in Book 713 at page 363.

7. Non-exclusive easement and right of way for access and utilities for Tomichi Condominiums, Buildings A, Band C as described in Dedication of Map of Tomichi Condominiums, Buildings A, B and C recorded as Reception No. 371960, Reception No. 375534, and Reception No. 384636.

8. Easement for the continued existence, maintenance, repair and access to the existing well house containing the Unit 3 Well No. 102 decreed under Case No. W-3392 of the Water Court for Water Division 4, and the water lines extending therefrom to Tomichi Condominiums pursuant to the condominium maps thereof as disclosed in Warranty Deed recorded November 1, 1994 in Book 755 at page 25.

9. Right of Way Easement recorded as Reception No. 550980.

10. Plat and Map of The Back Nine Condominiums, Building C recorded as Reception No. 573385, Supplemental Map of The Back Nine Condominiums, Buildings E & F recorded as Reception No. 575235, Supplemental Map of The Back Nine Condominiums, Building A recorded as Reception No. 581541, and The Back Nine Condominiums, Building B recorded as Reception No. 652042.

11. Declaration Establishing The Back Nine Condominiums recorded as Reception No. 573386, Supplemental Declarations recorded as Reception No. 575236, as Reception No. 581542, and as Reception No. 652043.

12. Grant of License recorded as Reception No. 573614.

13. Grant of Easement recorded as Reception No. 584209.

14. Right of Way and Easement recorded as Reception No. 650816.

All Book and Page and Reception numbers refer to records in the office of the Gunnison County, Colorado Clerk and Recorder.

Dated this 9th day of April, A.D. 2019.

David Leinsdorf, Attorney at Law
Colorado Supreme Court Registration No. 2740

DEDICATION

West Elk Properties, LLC, a Colorado limited liability company, being the owner of the land described below, hereby declares and executes this Supplemental Map of THE BACK NINE CONDOMINIUMS, BUILDING D, County of Gunnison, State of Colorado, as follows:

1. Dedication. West Elk Properties, LLC, being the owner of the land described as follows:

PARCEL A

A parcel of land located in the S 1/2 of Section 10, Township 49 North, Range 1 West, N.M.P.M., County of Gunnison, State of Colorado, more particularly described as follows:

COMMENCING at the northeast corner of said Section 10, from whence the East 1/4 corner of said Section 10 bears S 00°50'25" E a distance of 2658.71 feet; THENCE S 26°03'01" W a distance of 5872.07 feet to the South 1/4 corner of said Section 10;
THENCE N 89°31 '00" W along the south line of said Section 10 a distance of 68.03 feet to the POINT OF BEGINNING;
THENCE N 89°31 '00" W along said south line a distance of 340.00 feet;
THENCE N 00°29'00" E a distance of 175.00 feet;
THENCE S 89°31 '00" E a distance of 140.00 feet;
THENCE N 38°33'33" E a distance of 594.58 feet to a point on the southerly boundary of Dos Rios Unit 3 as shown on the plat thereof bearing Reception No. 331760 in the records of Gunnison County;
THENCE S 66°06'17" E along said southerly boundary a distance of 98.53 feet to a point at the end of Fairway Lane;
THENCE S 61°32'28" E 148.99 feet;
THENCE S 42°59'36" E along said southerly boundary a distance of 54.46 feet; THENCE S 41°17'00" W a distance of 653.62 feet to the POINT OF BEGINNING.

PARCEL B

A parcel of land located in the S 1/2 of Section 10, Township 49 North, Range 1 West, N.M.P.M., County of Gunnison, State of Colorado, more particularly described as follows:

COMMENCING at the northeast corner of said Section 10, from whence the East 1/4 corner of said Section 10 bears S 00°50'25" E a distance of 2658.71 feet; THENCE S 26°03'01" W a distance of 5872.07 feet to the South 1/4 corner of said Section 10 which is the POINT OF BEGINNING;
THENCE N 89°31 '00" W along the south line of said Section 10 a distance of 68.03 feet;
THENCE N 41°17'00" E along the east boundary of Parcel A a distance of 653.62 feet to the southeast corner of Lot 59 of said Dos Rios Unit 3;
THENCE S 30°13'00" E a distance of 86.92 feet;
THENCE S 36°34'00" W a distance of 468.00 feet;
THENCE S 72°21'37" W a distance of 134.47 feet to the POINT OF BEGINNING.
EXCEPTING from PARCELS A and B above the following described lands:

That property platted as Buildings A, B, and C, TOMICHI CONDOMINIUMS, according to the Plat filed for record January 13, 1983 as Reception No. 371960,

ALSO that property platted as Building D, TOMICHI CONDOMINIUMS, according to the Plat filed for record August 3, 1983 as Reception No. 375534,

AND that property platted as Building E, TOMICHI CONDOMINIUMS, according to the plat filed for record November 7, 1984 as Reception No. 384636,

County of Gunnison,
State of Colorado

under the name of THE BACK NINE CONDOMINIUMS, BUILDING D, has laid out, platted and/or subdivided the same as shown on this Supplemental Map and hereby permanently dedicates and conveys to the owners of condominium units within this condominium and their guests, but not to the public at large, the common right to use streets, alleys, roads and other areas as shown hereon and hereby permanently dedicates those portions of land labeled as easements for the installation and maintenance of public utilities as shown hereon.

2. Supplemental Condominium Declaration. The real property laid out as THE BACK NINE CONDOMINIUMS, BUILDING D, County of Gunnison, State of Colorado, is platted and dedicated pursuant to the terms and conditions of the Declaration Establishing The Back Nine Condominiums dated, March 2, 2007 and recorded March 6, 2007 as Reception No. 573386 of the records of Gunnison County, Colorado and the Supplemental Declaration Establishing Building D of The Back Nine Condominiums dated the _____ day of _____, 2019 and recorded _____, 2019 as Reception No. _____ of the records of Gunnison County, Colorado.

IN WITNESS WHEREOF, Mark P. Lucas, as manager of West Elk Properties, LLC, a Colorado limited liability company, has subscribed his name this 9 day of April, A.D. 2019.

West Elk Properties, LLC, a Colorado
limited liability company

By: _____
Mark P. Lucas, Manager

STATE OF COLORADO)
) ss.
COUNTY OF GUNNISON)

The foregoing Dedication was acknowledged before me this 9th day of April, 2019 by Mark P. Lucas, Manager of West Elk Properties, LLC, a Colorado limited liability company.

Witness my hand and official seal. My commission expires: 1/11/2020

Notary Public

JULIE BATHJE
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID #20164001177
My Commission Expires January 11, 2020

BOARD OF COUNTY COMMISSIONERS' APPROVAL

The within Supplemental Map of THE BACK NINE CONDOMINIUMS, BUILDING D, is approved this _____ day of _____, 2019, and the 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 expense of the unit owners and not by Gunnison County or any other public agency.

Chairperson

Attest:

Gunnison County Clerk & Recorder

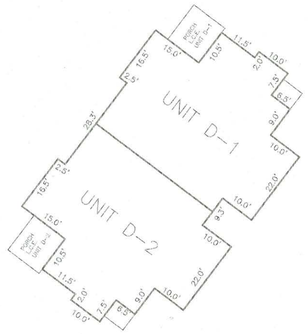
GUNNISON COUNTY CLERK & RECORDER'S ACCEPTANCE

This Supplemental Map was accepted for filing in the office of the Clerk & Recorder of Gunnison County, Colorado on this _____ day of _____, 2019, Reception No. _____, Time _____.

Gunnison County Clerk & Recorder

PEARSON SURVEYING P.O. BOX 652 GUNNISON, CO 81230 970-641-2910 PROJECT # 19-4-1	DATE : 2/25/19 LATEST REVISION DATE : 4/9/19 SHEET 1 OF 3

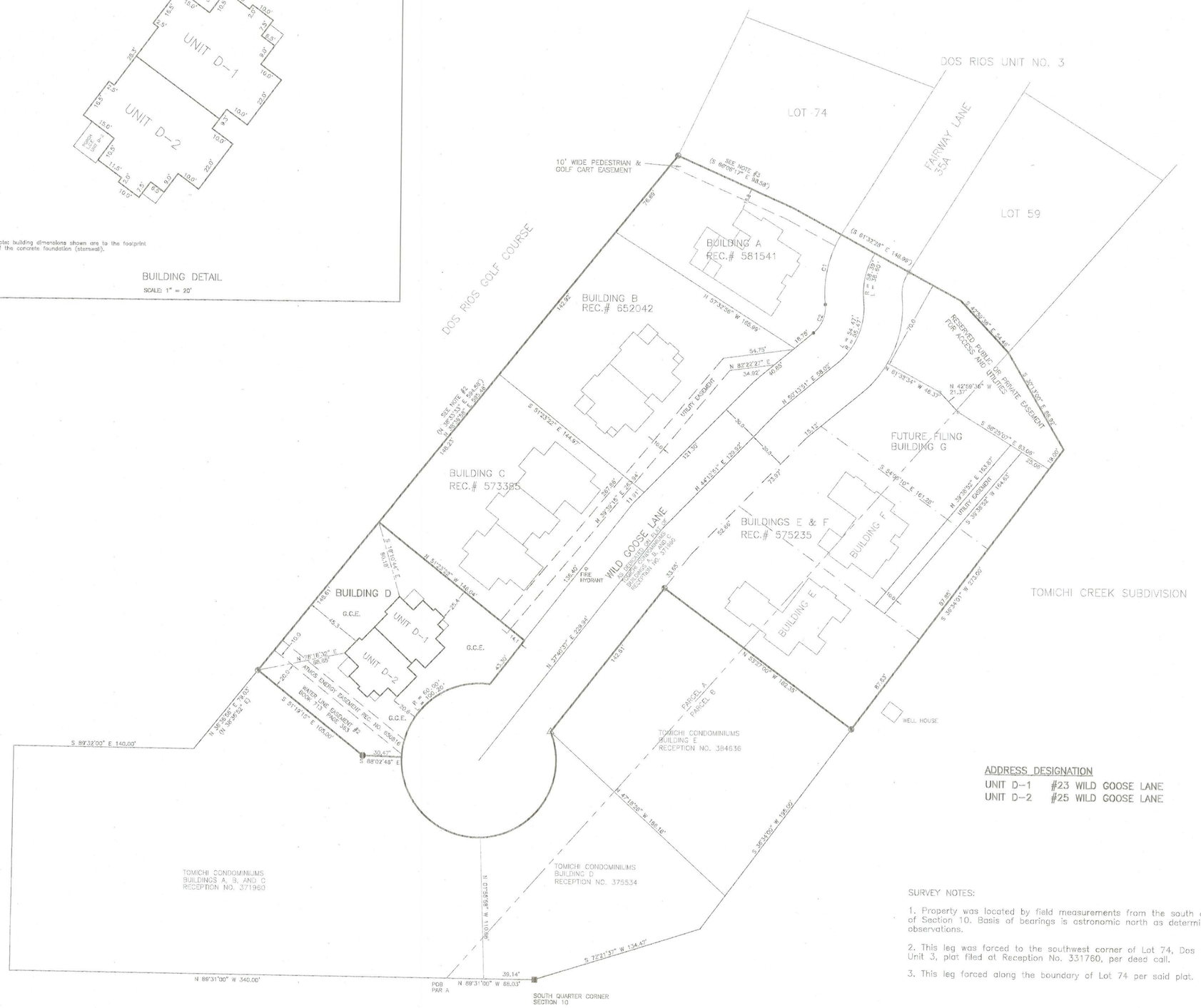
SUPPLEMENTAL MAP OF THE BACK NINE CONDOMINIUMS, BUILDING D
GUNNISON COUNTY, COLORADO



note: building dimensions shown are to the footprint of the concrete foundation (stemwall).

BUILDING DETAIL

SCALE: 1" = 20'



CURVE TABLE

NUMBER	RADIUS	ARC LENGTH	CHORD DIRECTION	CHORD LENGTH
C1	89.39	56.62	S 12°20'29" W	55.66
C2	25.47	25.02	S 22°07'01" W	24.32

ADDRESS DESIGNATION

UNIT D-1 #23 WILD GOOSE LANE
UNIT D-2 #25 WILD GOOSE LANE

LEGEND

- Found aluminum cap monument stamped "LS 11250"
- Found rebar with aluminum cap stamped "LS 11250"
- Found PK nail with disc stamped "LS 11250"
- Found rebar with plastic cap stamped "LS 33647"
- Found PK nail with washer stamped "LS 33647"
- Property line – subject property
- Easement line
- Previous filing boundary

SURVEY NOTES:

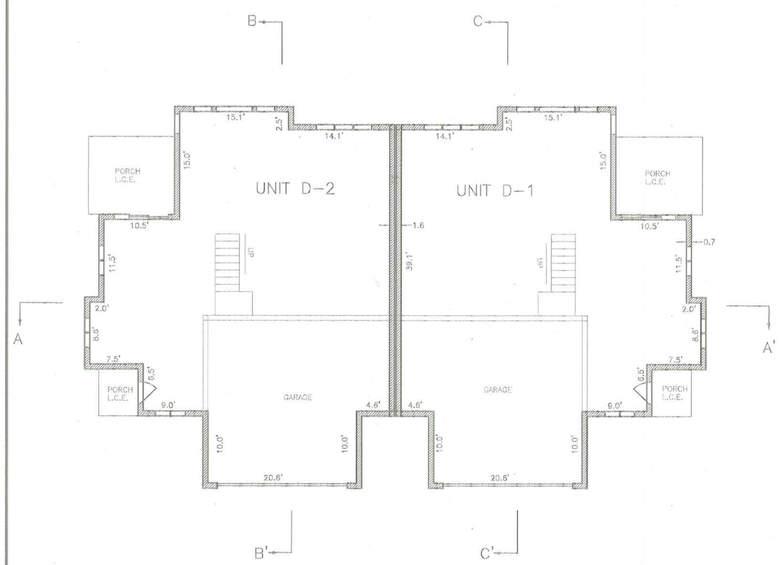
1. Property was located by field measurements from the south quarter corner of Section 10. Basis of bearings is astronomic north as determined by solar observations.

2. This leg was forced to the southwest corner of Lot 74, Dos Rios Unit 3, plat filed at Reception No. 331760, per deed call.

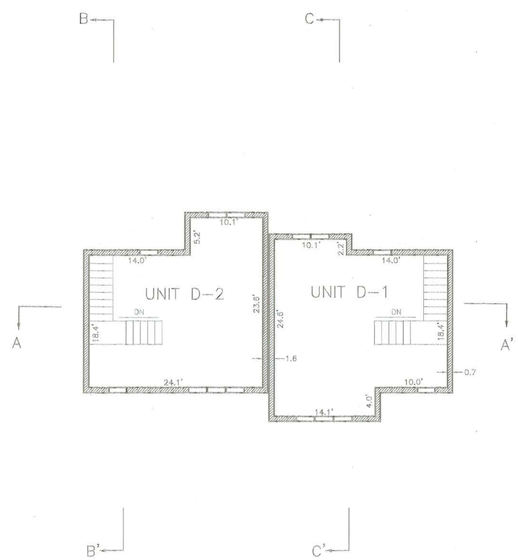
3. This leg forced along the boundary of Lot 74 per said plat.

PEARSON SURVEYING P.O. BOX 652 GUNNISON, CO 81230 970-641-2910 PROJECT # 19-4-1	DATE : 1/28/19 LATEST REVISION DATE : SHEET 2 OF 3

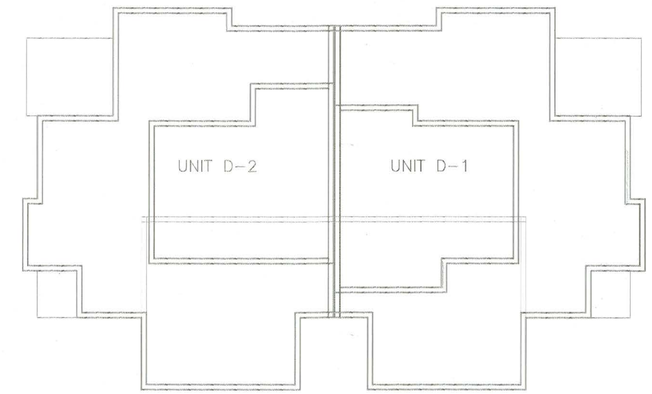
SUPPLEMENTAL MAP OF THE BACK NINE CONDOMINIUMS, BUILDING D
GUNNISON COUNTY, COLORADO



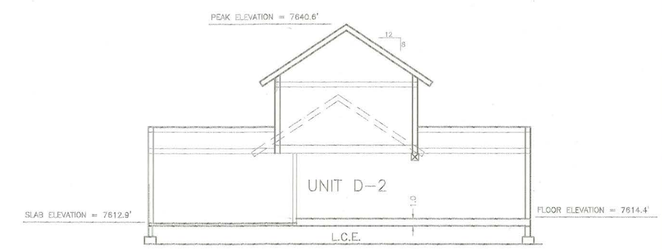
FIRST FLOOR PLAN



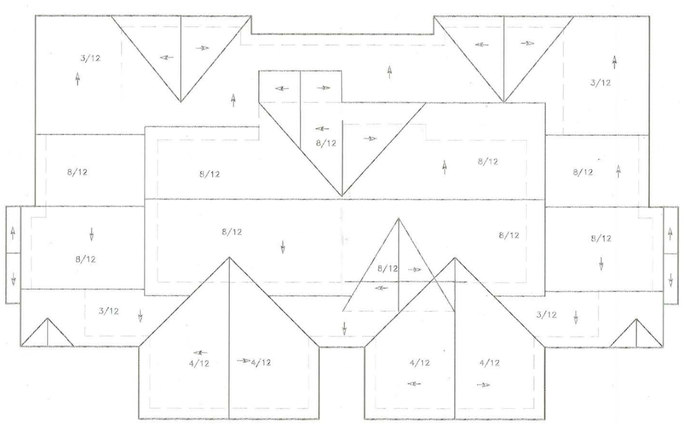
SECOND FLOOR PLAN



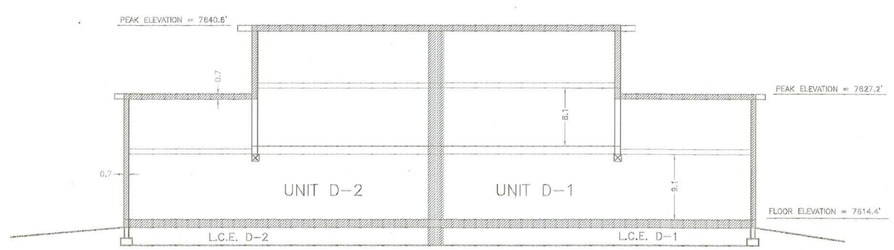
AGGREGATE FLOOR PLAN



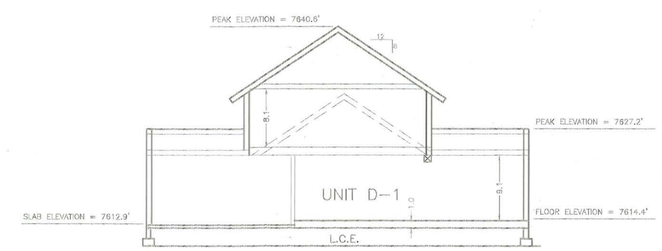
SECTION B-B'



ROOF PLAN



SECTION A-A'



SECTION C-C'

10 0 10 20
Scale: 1" = 10'

GENERAL NOTES:

All elevations shown hereon are based on an elevation of 7654.54' at Colorado Department of Highways benchmark on the north end of the east bridge abutment spanning the main channel of the Gunnison River on Highway No. 50 west of Gunnison. (NGS designation 7654.54)

LEGEND

- Unit boundary
- Door
- Window
- G.C.E. General Common Element
- L.C.E. Limited Common Element
- Sliding glass door

PEARSON SURVEYING
P.O. BOX 652
GUNNISON, CO 81230
970-641-2910

PROJECT # 19-4-1

DATE : 2/25/19

LATEST REVISION DATE :

SHEET 3 OF 3