AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Boundary Line Adjustment; Centennial Storage

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement:

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

Summary:

The Applicant, Centennial Storage LLC, has requested a boundary line adjustment between two parcels, 1725 and 1825 SH 135. 1825 SH 135 is also known as Discount Storage.

Fiscal Impact:

Submitted by: Hillary Seminick **Submitter's Email Address:** hseminick@gunnisoncounty.org

Finance Review: ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ◉ Required ○ Not Required

Comments:
The CAO concurs with the analysis of the Community Development Department regarding this request. MRH

Reveiwed by: GUNCOUNTY1\mhoyt Discharge Date: 9/13/2019 Certificate of Insurance Required

Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 9/13/2019

○ Consent Agenda ◉ Regular Agenda ○ Worksession Time Allotted: 10 minutes

Agenda Date: 9/17/2019

Revised April 2015

Gunnison County, CO
Community Development Department
221 N. Wisconsin St. Ste. D, Gunnison, CO 81230
Phone: (970) 641-0360
Website: www.gunnisoncounty.org
Email: planning@gunnisoncounty.org

To: Gunnison County Board of County Commissioners

From: Hillary Seminick, AICP, Senior Planner, Community Development Department

Date: September 17, 2019

Re: **LUC-19-00033, Centennial Storage (AKA Discount Storage) Boundary Line Adjustment**

Summary
The Applicant, Centennial Storage LLC, has requested a boundary line adjustment between two parcels, 1725 and 1825 SH 135, located to the north of the City of Gunnison. The 1825 property is commonly referred to as Discount Storage, and the 1725 property is a residential parcel located to the west of the 1825 property. Figure 1 clarifies the existing relationship between the two parcels, 1825 is highlighted in blue and the 1725 parcel is highlighted in red. The proposed boundary line adjustment has been highlighted in Figure 2, with the proposed boundaries of the 1825 property marked in blue and the 1725 property marked in red. The 1725 parcel would be completely surrounded by the 1825 parcel. Access would essentially remain the same; however, the 1725 parcel would be granted a shared access easement to the existing access to SH 135.

The proposal would increase the size of the 1825 parcel from 2.9 acres to 9.51 acres and the 1725 parcel would be decreased from 7.2 acres to 1.27 acres. The proposed change represents a 227% increase to the 1825 parcel and an 82% decrease to the 1725 parcel.

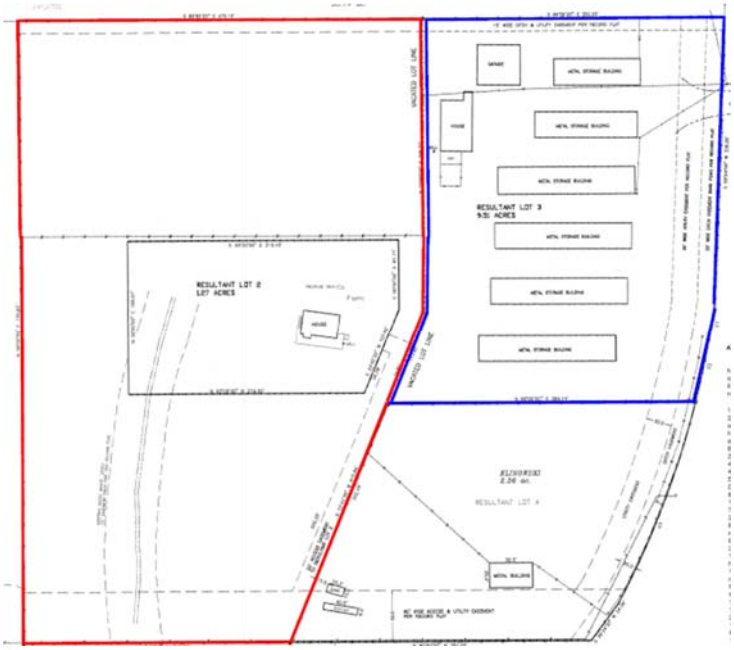


Figure 1. Existing Lot Configuration

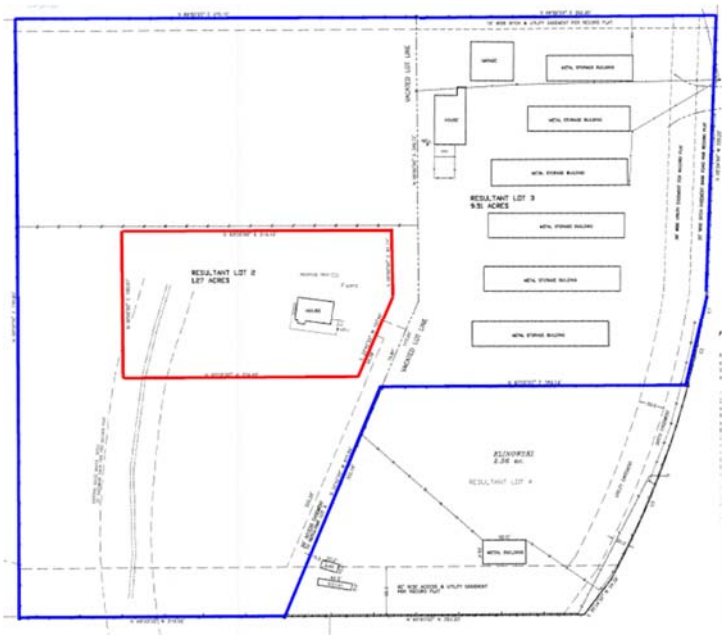


Figure 2. Proposed Lot Configuration

Staff Comment
Boundary Line Adjustments are subject to the *Standards for Administrative Review* and *Section 5-103.3.a, Additional Standards Applicable to Boundary Line Adjustments*. The *Additional Standards* require that the boundary line adjustment not create any additional lots, nor result in a lot that does not meet the minimum lot size standards.

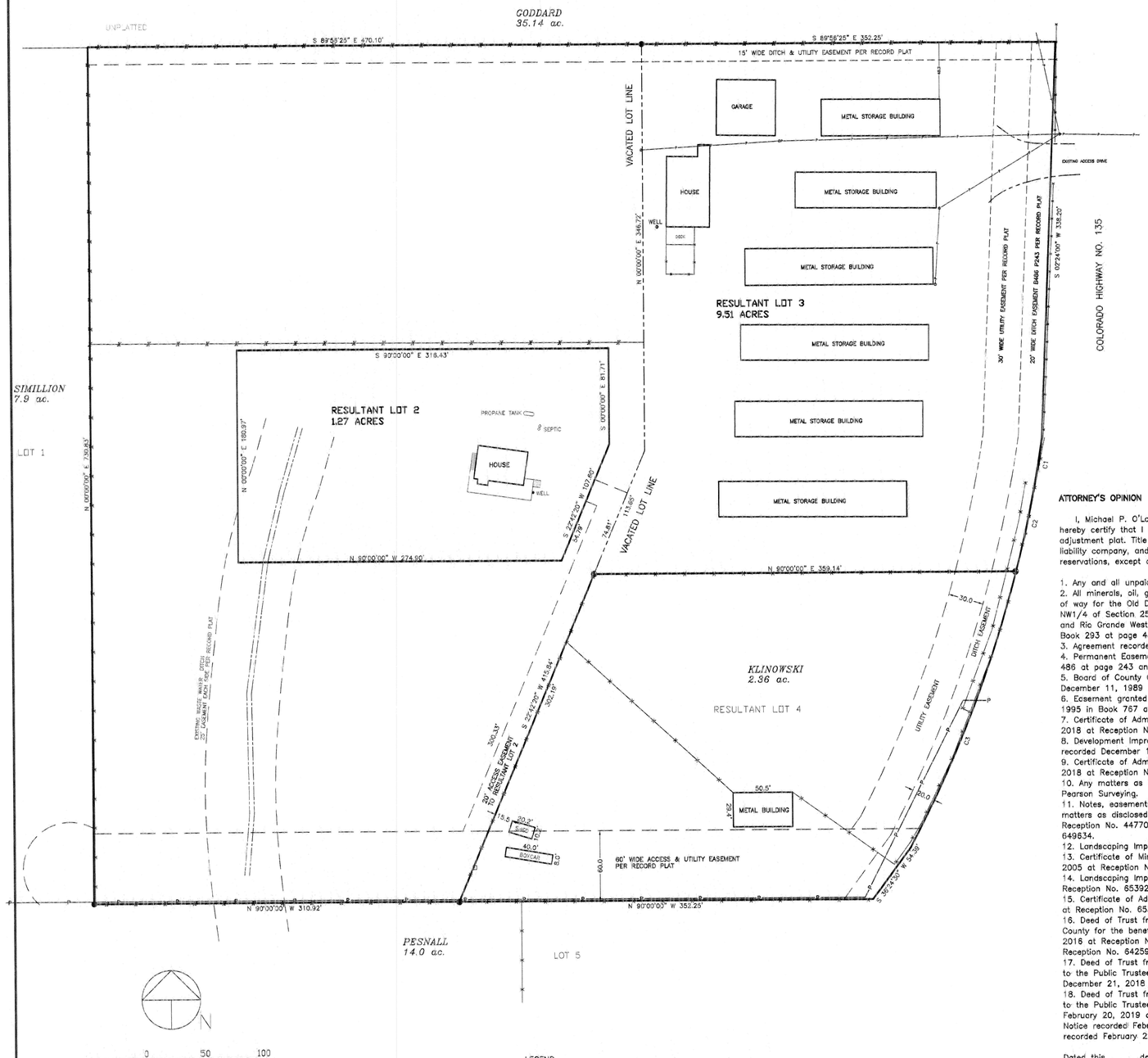
Lastly, the Standards require that the adjustment represent an insubstantial change of the boundary between the two parcels.

The LUR does not define the term substantial nor insubstantial; therefore, Staff referred to case law to provide examples of these definitions. In *Candelaria v. United States*, the court sourced various statues and regulations to define insubstantial. In one instance, the term is used to "refer to an amount as little as 2 and as much as 35% of a given value."[1] The proposed change in the boundary line adjustment would result in 227% and 82% changes in the area of each respective lot.

While the Community Development Director may approve a boundary line adjustment, the resultant plat is required to be signed by the BOCC. Staff respectfully requests the BOCC determine if the proposed boundary line adjustment meets the following standard: "1. Insubstantial Change. The purpose of the adjustment shall be to make an insubstantial boundary change between adjacent parcels."

[1] 518 F. Supp. 2d 852, *852; 2007 U.S. Dist. LEXIS 77251, **77251, Pg. 4 of 16

LOT LINE ADJUSTMENT
LOT 2, FLYING E RANCH SUBDIVISION, AND RESULTANT LOT 3,
LOT LINE ADJUSTAMENT, LOTS 3 AND 4, FLYING E RANCH SUBDIVISION
GUNNISON COUNTY, COLORADO



LEGEND

- Found rebar with aluminum cap stamped "LS 11250"
- Found rebar with plastic cap stamped "LS 34979"
- Utility pedestal
- Overhead utility lines
- Fence
- Easement boundary per record plat

NOTES: Property located by field measurements to the West Quarter Corner of Section 25, using the bearings and distances on record plat relative to said monument.
Basis of bearings astronomic north as determined by solar observations.

BOARD OF COUNTY COMMISSIONERS' APPROVAL

The within plat of the LOT LINE ADJUSTMENT, LOT 2, FLYING E RANCH SUBDIVISION, AND LOT RESULTANAT LOT 3, LOT LINE ADJUSTMENT, LOTS 3 AND 4, FLYING E RANCH SUBDIVISION, is approved this _____ day of _____, A.D. 2019.

_____
Commissioner, Gunnison County Board of Commissioners

Attest: _____
Gunnison County Clerk and Recorder

SURVEYOR'S CERTIFICATE

I, Timothy E. Pearson, a registered land surveyor in the State of Colorado, certify that this plat and the survey referred to herein were made under my direction and control and that both are true and correct to the best of my knowledge.

Dated this _____ day of _____, 2019.

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

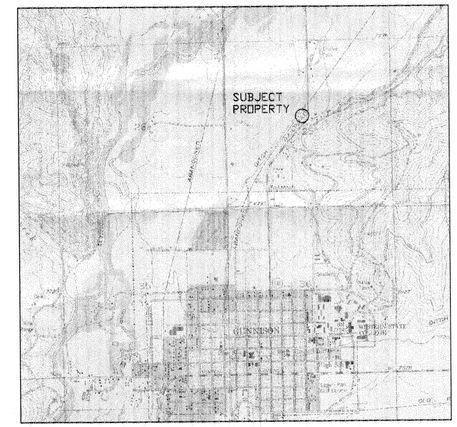
ATTORNEY'S OPINION

I, Michael P. O'Loughlin, 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 subject to this boundary adjustment plat. Title of both lots is vested in Centennial Storage Partners, LLC, a Colorado limited liability company, and is free and clear of all liens, defects, encumbrances, restrictions and reservations, except as follows:

1. Any and all unpaid taxes and assessments for the current year and subsequent years.
2. All minerals, oil, gas and hydro-carbon substances in or under the surface of the railroad right of way for the Old Denver and Rio Grande Western Railroad Companies as it passes through the NW1/4 of Section 25, Township 50 North, Range 1 West, N.M.P.M., as reserved to the Denver and Rio Grande Western Railroad Company in Quit Claim Deed recorded February 28, 1956 in Book 293 at page 430, and any and all assignments thereof or interest therein.
3. Agreement recorded November 19, 1938 in Book 259 at page 83.
4. Permanent Easement E-103 as described in Rule and Order recorded June 23, 1975 in Book 486 at page 243 and as reserved in deed recorded November 13, 1989 in Book 672 at page 132.
5. Board of County Commissioners of Gunnison County Resolution No. 43 Series 1989 recorded December 11, 1989 in Book 673 at page 184.
6. Easement granted to The City Municipal Light & Power & other utilities recorded July 24, 1995 in Book 767 at page 432.
7. Certificate of Administrative Review, Certification No.102, Series 2018 recorded October 4, 2018 at Reception No. 656448.
8. Development Improvements Agreement for Discount Self-Storage Parking Area Expansion, recorded December 19, 2018 at Reception No. 657875.
9. Certificate of Administrative Review, Certification No.10, Series 2018 recorded December 19, 2018 at Reception No. 657889.
10. Any matters as shown on this boundary adjustment plat by Timothy E. Pearson, LS 34979, Pearson Surveying.
11. Notes, easements, reservations, dedications, rights of way, encroachments and other matters as disclosed on the Plat of Flying E Ranch Subdivision, recorded December 13, 1993 at Reception No. 447702 and Lot Line Adjustment recorded October 11, 2017 at Reception No. 649634.
12. Landscaping Improvements Agreement recorded July 7, 2005 at Reception No. 555428.
13. Certificate of Minor Impact Approval, Certification No. 7, Series 2005, recorded July 21, 2005 at Reception No. 555940.
14. Landscaping Improvements Agreement for Discount Self Storage recorded June 22, 2018 at Reception No. 653929.
15. Certificate of Administrative Review, Certification No. 02, Series 2018 recorded June 6, 2018 at Reception No. 653530.
16. Deed of Trust from Centennial Storage Partners, LLC to the Public Trustee of Gunnison County for the benefit of Bank of Colorado dated October 7, 2016 and recorded On October 11, 2016 at Reception No. 642591. Note: Assignment of Rents recorded October 11, 2016 at Reception No. 642592.
17. Deed of Trust from Centennial Storage Partners, LLC, a Colorado limited liability company, to the Public Trustee of Gunnison County, Colorado for the use of Bank of Colorado dated December 21, 2018 and recorded December 21, 2018 at Reception No. 657936.
18. Deed of Trust from Centennial Storage Partners, LLC, a Colorado limited liability company, to the Public Trustee of Gunnison County, Colorado for the use of Bank of Colorado dated February 20, 2019 and recorded February 22, 2019 at Reception No. 658825. Note: Disburser's Notice recorded February 22, 2019 at Reception No. 658826. Note: Assignment of Rents recorded February 22, 2019 at Reception No. 658827.

Dated this _____ day of _____, 2019.

_____
Michael P. O'Loughlin, Attorney-At-Law
Supreme Court Registration No. 38134
Schumacher & O'Loughlin, LLC
232 W. Tomichi Ave, Suite 204
Gunnison, CO 81230
P: (970) 641-4900



VICINITY MAP

CERTIFICATE OF DEDICATION AND OWNERSHIP

We, Centennial Storage Partners, LLC, a Colorado limited liability company, and Bank of Colorado, being the owner and mortgages/lien holder of the lands described as follows:

Lot 2, Flying E. Ranch Subdivision, according to the plat filed December 13, 1993 bearing Reception No. 447702,

County of Gunnison,
State of Colorado;

And

Resultant Lot 3, Flying E. Ranch Subdivision, according to the Lot Line Adjustment Plat of Lots 3 and 4, Flying E Ranch Subdivision recorded October 11, 2017 at Reception No. 649634,

County of Gunnison,
State of Colorado,

under the name of Centennial Storage Partners, LLC Boundary Adjustment Plat, have laid out, platted and adjusted the property boundaries of the same as shown on this plat and do hereby dedicate those portions of land labeled as easements for access and for the installation and maintenance of public utilities shown hereon.

In witness whereof, Centennial Storage Partners, LLC, a Colorado limited liability company, and Bank of Colorado have subscribed their names this _____ day of _____, A.D. 2019.

Centennial Storage Partners, LLC,
a Colorado limited liability company

By: _____
Ken Snyder, Managing Member

Bank of Colorado

By: _____

Its: _____

State of Colorado)
) ss.
County of Gunnison)

The foregoing instrument was acknowledged before me this _____ day of _____, A.D. 2019, by Ken Snyder, as Managing Member of Centennial Storage Partners, LLC, a Colorado limited liability company.

My commission expires: _____
My address is: _____
Witness my hand and official seal:

_____(seal)
Notary Public

State of Colorado)
) ss.
County of Gunnison)

The foregoing instrument was acknowledged before me this _____ day of _____, A.D. 2019, by _____, as _____ of Bank of Colorado.

My commission expires: _____
My address is: _____
Witness my hand and official seal:

_____(seal)
Notary Public

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. 2019,
Reception Number _____Time _____

_____
Gunnison County Clerk and Recorder

PEARSON SURVEYING P.O. BOX 652 GUNNISON, CO 81230 970-641-2910 PROJECT # 19-1-3	DATE : 7/16/19 LATEST REVISION DATE : 8/27/19 SHEET 1 OF 1