AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Plat Approval; LUC-19-00044, Western Sky Townhomes

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement:

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

Summary:

New townhome plat

Fiscal Impact: no

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

Finance Review: ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ◉ Required ○ Not Required

Comments:
ok db 11/15/19

Reveiwed by: GUNCOUNTY1\dBaumgarten Discharge Date: 11/15/2019 Certificate of Insurance Required

Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\khaase Discharge Date: 11/15/2019

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

Agenda Date: 11/19/2019

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: November 15, 2019

Re: **LUC-19-00044, Western Sky Townhomes Plat**

The Applicant, Bywater, LLC, represented by David Leinsdorf, PC, has submitted a request for a plat approval of Western Sky Townhomes The two-unit building is located at 75 Huckeby Way, Crested Butte, legally described as Lot 29, Block 21, Crested Butte South - Third Filing, Gunnison County, Colorado. The plat has been reviewed and approved by the County Attorney.

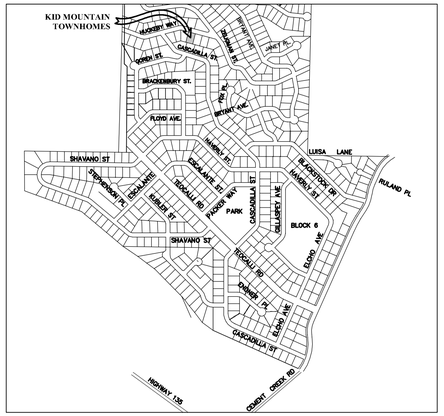
The plat has been approved by the Crested Butte South Property Owners Association. Western Sky Townhomes will record a party wall agreement for the structure. The County is not a party to this agreement.

/S/ Hillary Iza Seminick, AICP

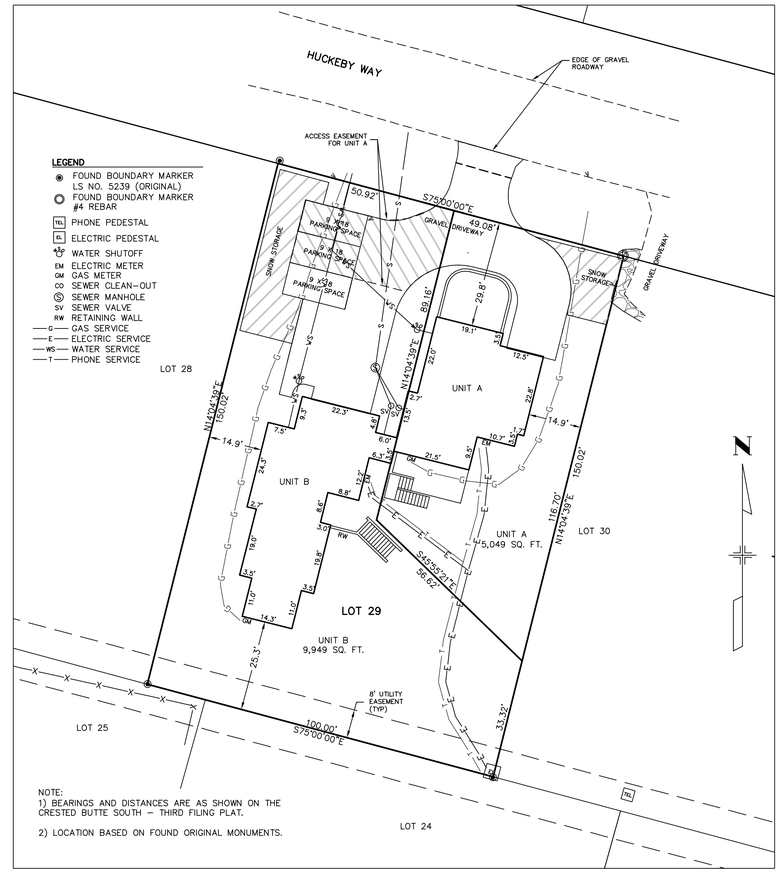
Figure 1. Location Map

PLAT OF
WESTERN SKY TOWNHOMES
LOT 29, BLOCK 21, CRESTED BUTTE SOUTH - THIRD FILING
GUNNISON COUNTY, COLORADO

LOCATED WITHIN THE NE1/4, SE1/4, SECTION 21 TOWNSHIP 14 SOUTH,
RANGE 85 WEST, 6TH PRINCIPAL MERIDIAN
0.26 ACRES



VICINITY MAP
1"= 1000'±



NOTE:
1) BEARINGS AND DISTANCES ARE AS SHOWN ON THE CRESTED BUTTE SOUTH – THIRD FILING PLAT.
2) LOCATION BASED ON FOUND ORIGINAL MONUMENTS.

ATTORNEY'S OPINION

I, David Leinsdorf, 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 Bywater, LLC, an Oklahoma limited liability company, and is free and clear of all liens, defects, encumbrances, restrictions and reservations, except as follows:

1. 2019 taxes and assessments not yet due or payable.
2. United States Patent(s) recorded in Book 115 at page 303, in Book 101 at page 248, in Book 184 at page 136 and in Book 184 at page 353.
3. Easement and right of way for cattle driveway reserved in Warranty Deed recorded in Book 245 at page 364.
4. Easements, exceptions, dedications, reservations, restrictions, ditches, building envelopes, setbacks and notes as set forth on the Plat of Crested Butte South - Third Filing recorded as Reception No. 282791.
5. Covenants, conditions, terms and restrictions as set forth in Covenants and Restrictions of Crested Butte South recorded in Book 420 at page 404. Resolutions recorded in Book 589 at page 304, in Book 661 at page 284, in Book 677 at page 578, in Book 677 at page 581, in Book 684 at page 901, in Book 733 at page 740, in Book 757 at page 223, in Amendments recorded in Book 782 at page 202, page 203, page 204, page 205, as Reception No. 472225, Resolutions recorded as Reception No. 482581, as Reception No. 483318, as Reception No. 487930, as Reception No. 497644, as Reception No. 509429, as Reception No. 514482, as Reception No. 517978, as Reception No. 531851, as Reception No. 535203, as Reception No. 539220 and as Reception No. 544256.
6. Any taxes, fees, assessments or charges by reason of the inclusion of the subject property within the Crested Butte South Metropolitan District.
7. Resolution Crested Butte South Metropolitan District as set forth in the instrument recorded in Book 725 at page 218.
8. Board of County Commissioners of Gunnison County Resolution No. 03-46 recorded as Reception No. 535203.
9. Board of County Commissioners Resolution No. 2008-38 recorded as Reception No. 586264.
10. Certificates recorded as Reception No. 591583, as Reception No. 592777, as Reception No. 598805, as Reception No. 612944 and as Reception No. 615590.
11. Resolution of the Crested Butte South Metropolitan District recorded as Reception No. 630782.
12. Improvement Location Certificate dated October 22, 2017 prepared by Norman C. Whitehead, Colorado L.S. No. 27739.
13. Deed of Trust recorded as Reception No. 654690.

All Book and page and Reception Number references are to records in the office of the Gunnison County Clerk and Recorder.

Dated this ____ day of _____, 2019.

_____
David Leinsdorf, Attorney Reg #2740
215 Elk Ave., 3rd Floor
P.O. Box 187
Crested Butte, CO 81224
Phone: (970) 349-6111
Fax: (970) 349-6243
david81224@gmail.com <mailto:david81224@gmail.com>

LAND SURVEYOR'S CERTIFICATE

I, Norman C. Whitehead, do hereby certify that I am a professional land surveyor licensed under the laws of the State of Colorado, that this map is a true, correct and complete map of WESTERN SKY TOWNHOMES as laid out, platted and dedicated and shown hereon, that such 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 said WESTERN SKY TOWNHOMES as the same are staked upon the ground in compliance with applicable regulations governing the subdivision of land.

Dated this 8th day of November, 2019.

_____
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 Party Wall Agreement for WESTERN SKY TOWNHOMES 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 restraint. Any expense of enforcing domestic animal control restrictions by Gunnison County shall be at the expense of the individual unit owner(s).
5. C.R.S. Section 35-46-101 et.seq requires the unit owners to construct and maintain the fencing to keep livestock off the WESTERN SKY TOWNHOMES 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.

DEDICATION

Bywater, LLC, an Oklahoma limited liability company, being the owner of the land described as follows:

Lot 29, Block 21, CRESTED BUTTE SOUTH – THIRD FILING, County of Gunnison, State of Colorado, consisting of 0.26 acres ("Property"),

under the name of WESTERN SKY TOWNHOMES, has laid out, platted and/or subdivided the Property and hereby permanently dedicates those portions of land labeled as easements for the installation and maintenance of public utilities as shown hereon.

In Witness Whereof, Joel E. Wisian, as Managing Member of Bywater, LLC, an Oklahoma limited liability company, has executed this Dedication this ___ day of _____ A.D., 2019.

Bywater, LLC, an Oklahoma limited liability company,

By: _____
Joel E. Wisian, Managing Member

STATE OF COLORADO)
) ss.
COUNTY OF GUNNISON)

The foregoing Dedication was acknowledged before me this _____ day of _____, 2019 by Joel E. Wisian as Managing Member of Bywater, LLC, an Oklahoma limited liability company.

Witness my hand and official seal.

My commission expires: _____.

_____
Notary Public

CRESTED BUTTE SOUTH PROPERTY OWNERS ASSOCIATION, INC. APPROVAL

This Plat of WESTERN SKY TOWNHOMES is approved this _____ day of _____, 2019, by Crested Butte South Property Owners Association, Inc., a Colorado nonprofit corporation.

_____

_____President

BOARD OF COUNTY COMMISSIONERS APPROVAL

The within plat of WESTERN SKY TOWNHOMES, is approved this ____ day of _____ A.D., 2019.

Gunnison County Board of County Commissioners

By: _____
_____Chairperson,

Attest:

_____
Gunnison County Clerk and Recorder

GUNNISON COUNTY CLERK AND RECORDER'S ACCEPTANCE

This Plat 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

WESTERN SKY TOWNHOMES
LOT 29, BLOCK 21
CRESTED BUTTE SOUTH - THIRD FILING
GUNNISON COUNTY, COLORADO

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

PROJECT: 19173.00	DWG.: TOWN
DATE: 11/8/19	SHEET 1 OF 1