AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Boundary Line Adjustment; LUC-18-00016

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: 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:
ok db 1/16/20

Reveiwed by: GUNCOUNTY1\dBaumgarten Discharge Date: 1/16/2020 Certificate of Insurance Required Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 1/16/2020

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

Agenda Date: 1/21/2020

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: January 13, 2020

Re: **LUC-18-00016, Little Cimarron Creek Ranch Subdivision, Boundary Line Adjustment**

The Applicant, Lakeside on the Colorado, LLC, represented by Jacob With, PC, Law of the Rockies; have submitted a request for a boundary line adjustment of the Little Cimarron Creek Ranch Subdivision.

Figure 1. Location Map

The four-lot subdivision was initially created and approved under Land Use Change permit number LUC-15-00017. After the plat was recorded, the Applicant and the neighboring property, R&G Butte Rock Ranch, agreed to exchange lands from the eastern and western boundaries of the subdivision. R&G Butte Rock Ranch will receive 3.80 acres from Little Cimarron Ranch Sub., who will receive 1.98 acres in return. This will result in a net loss of 1.82 acres from the subdivision, reducing the net subdivision area from 65.99 acres to 64.45 acres.

Internal boundaries between the four lots of the Little Cimarron Creek Ranch Subdivision are proposed to be shifted to accommodate the exchange of land. Table 1 describes the changes in area between the original and proposed plats and the boundaries are depicted in the proposed plat in Exhibit A. The building envelopes of each lot have been adjusted in response to the boundary line adjustment. The original subdivision plat has been included as Exhibit B for reference.

Table 1. Boundary Line Adjustment Area Summary

Parcel (lots north to south)	Original Area	Proposed Area	Net Area Change
Lot R1	16.65 Acres	15.02 Acres	-1.63 Acres
Lot R2	16.03 Acres	17.06 Acres	+1.03 Acres
Lot R3	16.31 Acres	16.01 Acres	-0.30 Acres
Lot R4	17.00 Acres	16.36 Acres	-0.64 Acres
Total	65.99	64.45	-1.54

The signature block for Laredo National Bank, was intentionally left blank, as the Bank no longer holds interest on the R&G Butte Ranch property. An affidavit (Exhibit C) regarding the omitted signature will be recorded subsequent to the plat recordation so there is no future confusion regarding the blank signature block. The release of the deed of trust can be found in the application file.

The plat has been reviewed and approved to form by the County Attorney. The application has been authorized by the homeowner's association and the adjacent neighbor. There are existing covenants for the subdivision and is

not a party to these covenants.

The full application can be viewed on Citizen Access at *https://www.gunnisoncounty.org/436/Permit-Database*. Exhibit D provides instructions for access.

/S/ Hillary Seminick, AICP

Exhibits
A. Little Cimarron Creek Ranch Subdivision, Proposed Plat
B. Little Cimarron Creek Ranch Subdivision, Original Plat
C. Laredo National Bank Affidavit
D. Project Access Instructions

LITTLE CIMARRON CREEK RANCH SUBDIVISION BOUNDARY LINE ADJUSTMENT

SITUATED IN SECTION 35, TOWNSHIP 48 NORTH, RANGE 6 WEST, N.M.P.M.

COUNTY OF GUNNISON, STATE OF COLORADO

LITTLE CIMARRON CREEK RANCH SUBDIVISION BOUNDARY LINE ADJUSTMENT

DEDICATION

Lakeside on the Colorado, Ltd. a Texas limited partnership and Farm Credit Services of the Mountain Plains, FLCA, a wholly owned subsidiary of Farm Credit Services of the Mountain Plains, ACA, being the owner and mortgagee of the land described as follows:

TOWNSHIP 48 NORTH, RANGE 6 WEST, NEW MEXICO PRINCIPAL MERIDIAN

Section 35: All that portion of the E1/2 NW1/4 and NE1/4 SW1/4 lying southwesterly of the right-of-way boundary of County Road No. 864, commonly known as Little Cimarron Road. Containing 66.27 acres.

County of Gunnison,
State of Colorado.

Note: The Southwesterly Right-of-Way of County Road No. 864 was accepted as established by Del-Mont Consultants Inc. on plat dated 8/12/08.

under the name of LITTLE CIMARRON CREEK RANCH SUBDIVISION BOUNDARY LINE ADJUSTMENT, have laid out, platted and/or subdivided the same as shown on this plat and do hereby permanently dedicate and convey to the owners of lots, tracts or parcels within this subdivision and their guests, but not to the public at large, the common right to use the streets, alleys, roads and other areas as shown hereon and hereby permanently dedicate those portions of land labeled as easements for the installation and maintenance of public utilities shown hereon.

Lakeside on the Colorado, Ltd.,
a Texas limited partnership

By:_____ _____
Jay Dickens, President Date
Solid Rock Investors, Inc.,
General Partner of Lakeside on the Colorado, LTD.

State of_____)
) ss.
County of_____)

The foregoing instrument was acknowledged before me this_____ day of_____, 2018 by Jay Dickens as President of Solid Rock Investors, Inc., General Parnter of Lakeside on the Colorado, LTD.

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

_____
Notary

Farm Credit Services of the Mountain Plains, FLCA,
a wholly owned subsidiary of Farm Credit Services of the Mountain Plains, ACA

By:_____

Name:_____

Title: _____

The foregoing instrument was acknowledged before me this_____ day of_____, 2018

by _____ as _____

of _____

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

_____
Notary

CONSENT AND CONVEYANCE

Lakeside on the Colorado, Ltd., a Texas limited partnership being the owner of the approximately 3.80 acres shown hereon to be transferred from „ LOC, ltd TO BUTTE ROCK‟ does hereby consent to this boundary line adjustment and does hereby transfer, assign, quitclaim and convey to R&G Butte Rock Ranch LLC such parcel shown hereon as approximately 3.80 acres identified as „ LOC, ltd TO BUTTE ROCK‟ .

Lakeside on the Colorado, Ltd.,
a Texas limited partnership

By:_____ _____
Jay Dickens, President Date
Solid Rock Investors, Inc.,
General Partner of Lakeside on the Colorado, LTD.

State of_____)
) ss.
County of_____)

The foregoing instrument was acknowledged before me this_____ day of_____, 2018 by Jay Dickens as President of Solid Rock Investors, Inc., General Parnter of Lakeside on the Colorado, LTD.

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

_____
Notary

CONSENT AND CONVEYANCE

R&G Butte Rock Ranch LLC, A Colorado Limited Liability Company being the owner of the approximately 1.98 acres shown hereon to be transferred from „ BUTTE ROCK TO LOC, ltd.„ does hereby consent to this boundary line adjustment and does hereby transfer, assign, quitclaim and convey to Lakeside on the Colorado, Ltd., a Texas limited partnership such parcel shown hereon as approximately 1.98 acres and as „ BUTTE ROCK TO LOC, ltd.„ .

R&G Butte Rock Ranch LLC,
A Colorado Limited Liability Company

By:_____ _____
Its:_____ Date

State of_____)
) ss.
County of_____)

The foregoing instrument was acknowledged before me this_____ day of_____, 2018 by
_____ as_____ of R&G Butte Rock Ranch LLC,
A Colorado Limited Liability Company.

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

_____
Notary

The undersigned lien holders consent to this boundary line adjustment and the transfers as shown hereon:

Farm Credit Services of the Mountain Plains, FLCA,
a wholly owned subsidiary of Farm Credit Services of the Mountain Plains, ACA

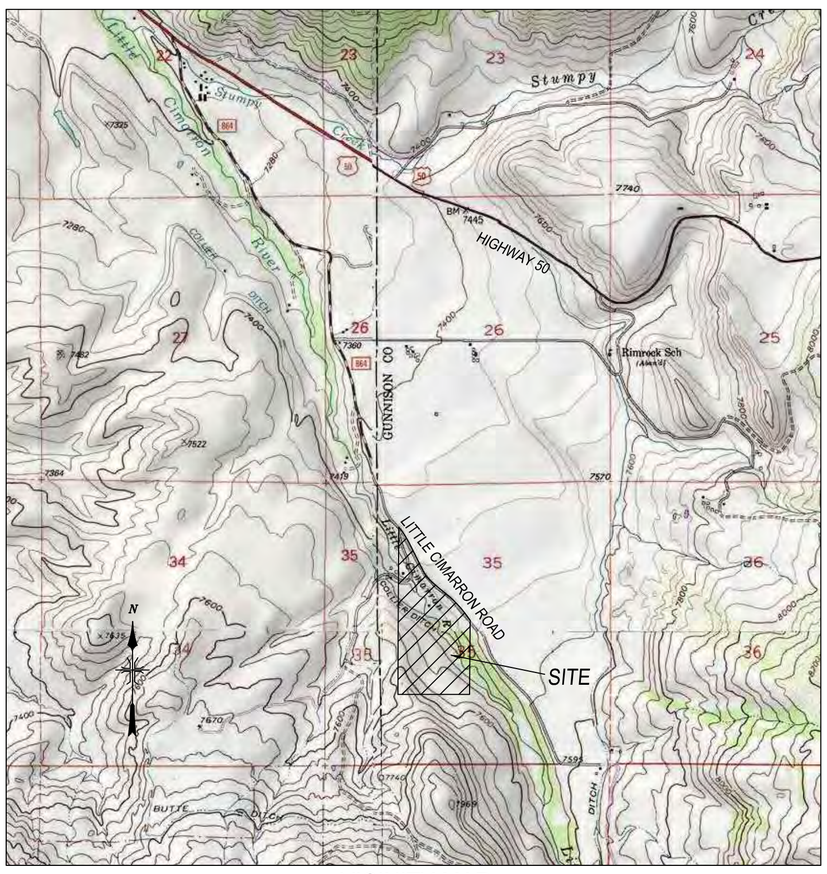
By:_____
Name:_____
Title: _____

Farm Credit Services of the Mountain Plains ACA

By:_____
Name:_____
Title: _____

The Laredo National Bank

By:_____
Name:_____
Title: _____



VICINITY MAP
N.T.S.

CERTIFICATION OF APPROVAL OF ASSOCIATION:

The Little Cimarron Creek Ranch Owners Group, Inc., a Colorado nonprofit corporation, hereby certifies that this boundary line adjustment plat is approved by the Little Cimarron Creek Ranch Owners Group, Inc. in accordance with all voting and other approval requirements.

Little Cimarron Creek Ranch Owners Group, Inc.

By: _____ _____
President Date

ATTORNEYS OPINION

I, Jacob A. With, 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, including the parcels shown hereon as „ LOC, ltd TO BUTTE ROCK‟ , the existing lots depicted hereon in the Little Cimarron Creek Ranch Subdivision and „ BUTTE ROCK TO LOC, Ltd.„ . Such title is held in the name of Lakeside on the Colorado, Ltd. a Texas limited partnership as to the „ LOC, ltd TO BUTTE ROCK‟ parcel, the existing lots depicted hereon in the Little Cimarron Creek Ranch Subdivision, and such title is held in the name of R&G Butte Rock Ranch, LLC, a Colorado limited liability company as to the remaining parcel „ BUTTE ROCK TO LOC, Ltd.„ and all such parcels are free and clear of all liens, defects, encumbrances, restrictions and reservations except as follows:

A. As to all property shown hereon:

1. Real property taxes and assessments for the current year, a lien not yet due and payable;
2. Any taxes, fees, assessments or charges by reason of the inclusion of the subject property within the Shavano Soil Conservation District;
3. Easements, roadways, and other facts shown on this plat that may give rise to claims by third parties.
4. Easement and right of way for County Road 864;
5. Easement and right of way for Butte Lake Road;
6. Any question, dispute or adverse claim as to any loss or gain of land as a result of any change in the river bed location by natural causes, or alteration through accretion, reliction, erosion or avulsion of the center thread, bank, channel or flow of waters in the Little Cimarron River lying within the subject property; and any question as to the location of such center thread, bed, bank, or channel as a legal description monument or marker for purposes of describing or locating the subject parcel;
7. Any rights, interests or easements in favor of the riparian owners, the State of Colorado, the United States of America, or the general public, which exist, have existed, or are claimed to exist in and over the waters and present and past bed and banks of Little Cimarron River.

B. As to LOC, ltd. TO BUTTE ROCK and existing lots:

1. Reservations as contained in United States Patent recorded February 18, 1907 in Book 101 at page 390;
2. Deed of Trust recorded at Reception No. 584889 for the use of Farm Credit Services of the Mountain Plains, FLCA, a wholly owned subsidiary of Farm Credit Services of the Mountain Plains, ACA.
3. Board of County Commissioners of Gunnison County Resolution No. 2016-10 recorded March 15, 2016 as Reception No. 638419.
4. Development Improvements Agreement recorded November 16, 2016 as Reception No. 643372.
5. Board of County Commissioners of Gunnison County Resolution No. 16-19 recorded November 17, 2016 as Reception No. 643398.
6. Statement of Authority for Lakeside on the Colorado, LTD recorded November 18, 2016 as Reception No. 643447.
7. Plat for Little Cimarron Creek Ranch recorded November 18, 2016 as Reception No. 643448.
8. Declaration of Protective Covenants for Little Cimarron Creek Ranch recorded November 18, 2016 as Reception No. 643449.
9. Addendum to the Development Improvements Agreement for Little Cimarron Creek Ranch recorded August 16, 2017 as Reception No. 648412.

C. As to BUTTE ROCK TO LOC, Ltd.:

1. All reservations and exceptions as set forth in United States Patents affecting the parcel.
2. Deed of Trust from R & G Butte Rock Ranch, LLC, a Colorado limited liability company for the use of The Laredo National Bank to secure $8,250,000.00, dated June 9, 2003, recorded June 9, 2003 as Reception No. 531361;
3. Financing Statement between R & G Butte Rock Ranch, LLC, Debtor and The Loredo National Bank, Secured Party recorded June 9, 2003 as Reception No. 531363;
4. Deed of Trust from R & G Butte Rock Ranch, LLC, a Colorado limited liability company for the use of Farm Credit Services of the Mountain Plains ACA to secure $7,777,000.00, dated September 16, 2005, recorded September 30, 2005 as Reception No. 558827;
5. Right of Way Agreement as set forth in instrument recorded July 8, 1925 in Book 223 at page 263; and any and all assignments thereof or interests therein;
6. Right of Way Deed as set forth in instrument recorded September 23, 1968 in Book 406 at page 137; and any and all assignments thereof or interests therein;
7. Road Right of Way as set forth in instrument recorded June 10, 1981 in Book 567 at page 249; and any and all assignments thereof or interests therein; and
8. Easement Agreement as set forth in instrument recorded October 7, 1992 in Book 713 at page 310 and Acknowledgement recorded October 7, 1992 in Book 713 at page 316; and any and all assignments thereof or interest therein.

This opinion does not address instruments affecting title but not recorded after the date of this opinion.

Dated: _____

_____
Jacob A. With, Esq., Reg. No. 40546

COMMENTS

1. Little Cimarron Creek Ranch Subdivision is subject to the Declaration of Protective Covenants of Little Cimarron Creek Ranch Subdivision recorded at Reception No. 643449 of the records of Gunnison County, Colorado.

2. The driveways within Little Cimarron Creek Ranch Subdivision are private driveways dedicated to the owners of the Lots served by such private driveways. Costs of improvement and maintenance of shared driveways shall be shared equally between the owners of the Lots that they access.

3. The owner of each Lot shall have a common right of usage of the utility easements to provide utility service to each Lot under rules and regulations as determined by the Little Cimarron Creek Ranch Subdivision Homeowners Association.

4. All homeowners acknowledge that they are required to construct and maintain fencing in order to keep livestock off his/her property, as required by Colorado's "Fence Out" law, CRS § 35-46-101 et seq., and the Right-to-Ranch Policy adopted by Gunnison County, as may be amended.

Plat Notes:

WARNING AND DISCLAIMER OF FLOODPLAIN HAZARDS AFFECTING USE AND OCCUPANCY OF THIS PROPERTY

I/We, the undersigned owner(s) of property, on behalf of myself/ourselves and all successors, heirs and assigns, hereby acknowledge having been informed by Gunnison County of the existence of floodplain hazard areas that may affect the use and occupancy of this property, and any improvements thereto. I/We acknowledge that the County's approval of this land use change does not guarantee the safety of the property, or in any way imply that areas outside of the designated hazard areas will be free from hazards and hereby agree to indemnify, defend and save harmless the County, its agents, officers and employees from and against any and all liability, expense including defense costs and legal fees, and claims for damages of any nature whatsoever, including, bodily injury, death, personal injury, or property damage arising from or connected with any activity related to these hazards, including any suits, liability, or expense.

Without diminishing or impairing the above language, no owner of property within the Little Cimarron Creek Ranch Subdivision shall have any claim for indemnification or any other claim or cause of action against Lakeside on the Colorado, Ltd., a Texas limited partnership arising out of or relating to any flood or other act of God or hazard arising from the location of the owner's property on or around a floodplain. Every owner of property within the Little Cimarron Creek Ranch Subdivision, both individually and behalf of its successors, heirs and assigns, by accepting ownership of his, her or its property within the Little Cimarron Creek Ranch Subdivision, forever waives, releases, and discharges Lakeside on the Colorado, Ltd., a Texas limited partnership and its officers, agents and employees of and from any and all claims and causes of action, including claims for indemnification, arising out of or relating to any flood or other act of God or hazard arising from the location of the owner's property on or around a floodplain.

Pursuant to Section 11-103: F. 1: of the Gunnison County Land Use Resolution:

Confinement of Domestic Animals: Each Lot Owner within Little Cimarron Creek Ranch Subdivision shall comply with the Declaration of Protective Covenants of Little Cimarron Creek Ranch Subdivision recorded _____, 20____ at Reception No. _____.

Colorado's Fence Out Requirements: A property owner is required to construct and maintain fencing in order to keep livestock off his/her property.

Irrigation Ditch Maintenance: An irrigation ditch owner has the right to enter the designated irrigation ditch maintenance easement, maintain the ditch, and may leave natural debris on the bank.

Lakeside on the Colorado, Ltd. a Texas limited partnership

By: _____

Name:_____

Title:_____

Board of County Commissioners' Approval

The within plat of the LITTLE CIMARRON CREEK RANCH SUBDIVISION BOUNDARY LINE AGREEMENT is approved this ___ day of _____, A.D. 2018, and the private dedication of roads and common areas is approved on the condition that such roads and common areas shall be maintained and snow plowed, by and at the expense of the lot owners and not by Gunnison County or any other public agency.

_____
Chairperson, Gunnison County Board of Commissioners

Attest:

_____
Gunnison County Clerk and Recorder

RECORDER'S CERTIFICATE:

This plat was filed for record in the office of the Clerk and Recorder of Montrose County at _____ __.m. on the ____ day of _____, 20__. Reception No. _____.

_____ _____, by _____
County Clerk & Recorder Deputy

NOTICE: According to Colorado Law (13-80-105, CRS) you must commence any legal action based upon any defect in this survey within three (3) years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten (10) years from the date of the certification shown hereon.

TITLE: LITTLE CIMARRON CREEK RANCH SUBDIVISION

CLIENT: LAKESIDE ON THE COLORADO, LTD.

ADDRESS & PHONE: 3030 W. BEAUREGARD SAN ANGELO, TX 76901

TYPE: REPLAT

DEL-MONT CONSULTANTS, INC.
ENGINEERING ▼ SURVEYING
125 Colorado Ave.▼ Montrose, CO 81401 ▼ (970) 249-2251 ▼ (970) 249-2342 FAX
www.del-mont.com ▼ service@del-mont.com

FIELD BOOK:	DRAWN BY:	DATE:
882	F.A.B.	04 MAY 2018
SHEET: 1 OF 2	FILE: 17108	JOB NO.: 17108

LITTLE CIMARRON CREEK RANCH SUBDIVISION
BOUNDARY LINE ADJUSTMENT

SITUATED IN SECTION 35, TOWNSHIP 48 NORTH, RANGE 6 WEST, N.M.P.M.

COUNTY OF GUNNISON, STATE OF COLORADO

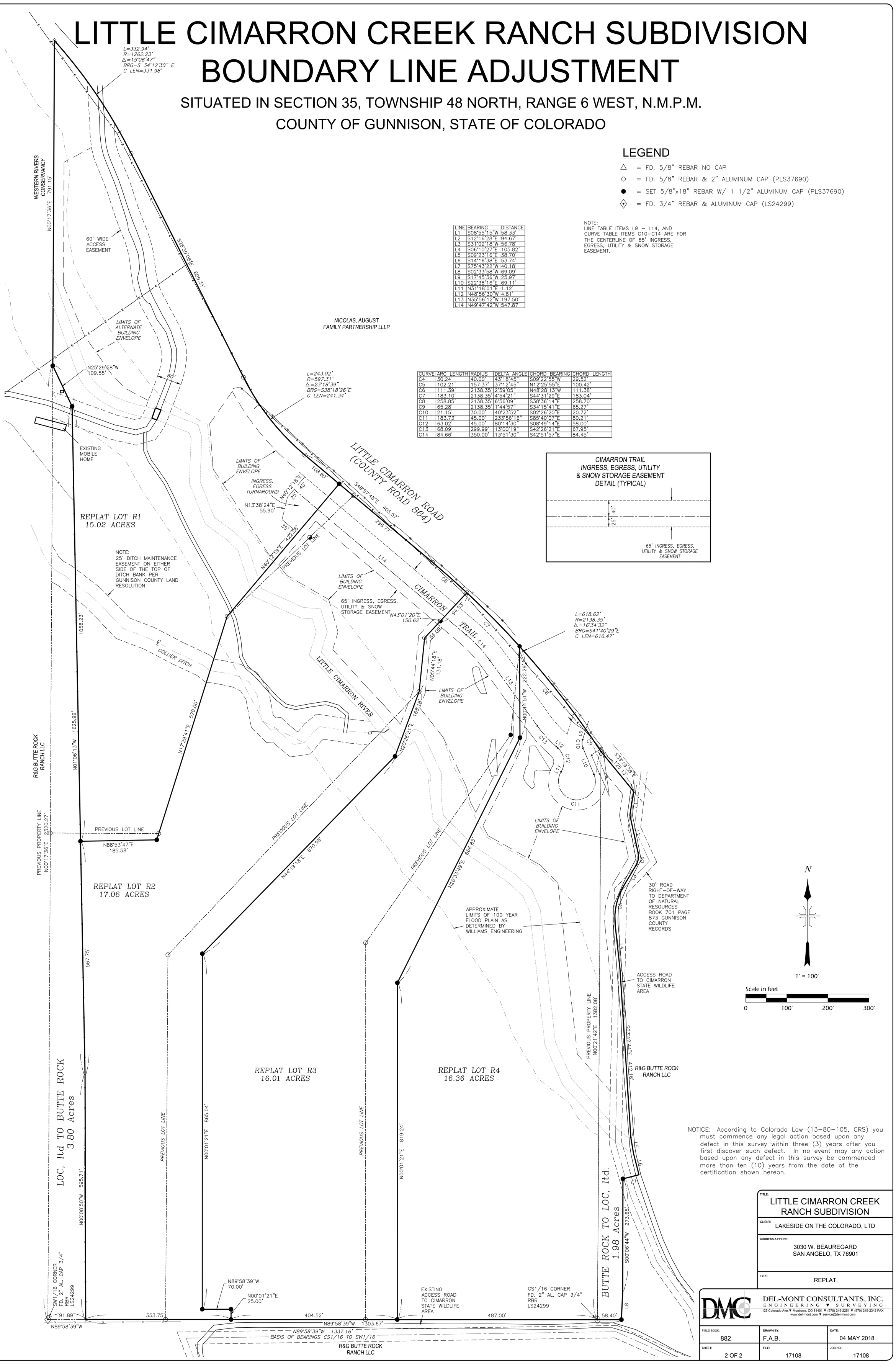
LEGEND

- △ = FD. 5/8" REBAR NO CAP
- ○ = FD. 5/8" REBAR & 2" ALUMINUM CAP (PLS37690)
- ● = SET 5/8"x18" REBAR W/ 1 1/2" ALUMINUM CAP (PLS37690)
- ◇ = FD. 3/4" REBAR & ALUMINUM CAP (LS24299)

NOTE:
LINE TABLE ITEMS L9 – L14, AND CURVE TABLE ITEMS C10–C14 ARE FOR THE CENTERLINE OF 65' INGRESS, EGRESS, UTILITY & SNOW STORAGE EASEMENT.

LINE	BEARING	DISTANCE
L1	S08°55'15"W	58.33'
L2	S12°16'28"E	94.67'
L3	S31°02'18"W	56.78'
L4	S06°10'27"E	105.82'
L5	S09°23'16"E	38.70'
L6	S14°16'38"E	53.74'
L7	S75°43'22"W	40.18'
L8	S02°33'58"W	69.09'
L9	S17°45'36"W	25.97'
L10	S22°38'16"E	69.11'
L11	N31°18'01"E	1.12'
L12	N48°56'30"W	4.81'
L13	N35°56'12"W	197.50'
L14	N49°47'42"W	547.87'

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C4	30.24'	40.00'	43°18'45"	S09°22'55"W	29.52'
C5	102.21'	157.37'	37°12'45"	N12°25'55"E	100.42'
C6	111.39'	2138.35'	2°59'05"	N48°28'13"W	111.38'
C7	183.10'	2138.35'	4°54'21"	S44°31'29"E	183.04'
C8	258.85'	2138.35'	6°56'09"	S38°36'14"E	258.70'
C9	65.28'	2138.35'	1°44'57"	S34°15'41"E	65.27'
C10	21.15'	30.00'	40°23'52"	S02°26'20"E	20.72'
C11	183.73'	45.00'	233°56'16"	S85°40'07"E	80.21'
C12	63.02'	45.00'	80°14'30"	S08°49'14"E	58.00'
C13	68.09'	299.99'	13°00'19"	S42°26'21"E	67.95'
C14	84.66'	350.00'	13°51'30"	S42°51'57"E	84.45'



NOTICE: According to Colorado Law (13–80–105, CRS) you must commence any legal action based upon any defect in this survey within three (3) years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten (10) years from the date of the certification shown hereon.

TITLE: LITTLE CIMARRON CREEK RANCH SUBDIVISION

CLIENT: LAKESIDE ON THE COLORADO, LTD

ADDRESS & PHONE: 3030 W. BEAUREGARD SAN ANGELO, TX 76901

TYPE: REPLAT

DEL-MONT CONSULTANTS, INC.
ENGINEERING ▼ SURVEYING
125 Colorado Ave. ▼ Montrose, CO 81401 ▼ (970) 249-2251 ▼ (970) 249-2342 FAX
www.del-mont.com ▼ service@del-mont.com

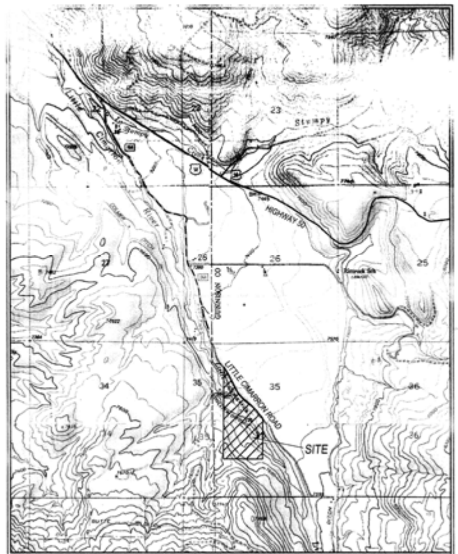
FIELD BOOK:	DRAWN BY:	DATE:
882	F.A.B.	04 MAY 2018
SHEET: 2 OF 2	FILE: 17108	JOB NO.: 17108

LITTLE CIMARRON CREEK RANCH SUBDIVISION

WITHIN THE W1/2

SEC. 35 T.48 N. R.6 W. N.M.P.M.
GUNNISON COUNTY, COLORADO

Recorder's Note: Poor Legibility on Document Provided for Recording



AREA LOCATOR

ATTORNEYS OPINION

I, Jacob A. With, 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 held in the name of Lakeside on the Colorado, Ltd. a Texas limited partnership and is free and clear of all liens, defects, encumbrances, restrictions and reservations except as follows:

1. **Real property taxes and assessments for the current year, a lien not yet due and payable.**
2. **Reservations as contained in United States Patent recorded February 18, 1907 in Book 101 at page 390;**
3. Any taxes, fees, assessments or charges by reason of the inclusion of the subject property within the Shavano Soil Conservation District;
4. Easements, roadways, and other facts shown on this plat that may give rise to claims by third parties.
5. Deed of Trust recorded at Reception No. 584889 for the use of Farm Credit Services of the Mountain Plains, FLCA, a wholly owned subsidiary of Farm Credit Services of the Mountain Plains, ACA.

This opinion does not address instruments affecting title but not recorded after the date of this opinion.

Dated: March 17, 2016

Jacob A. With, Esq., Reg. No. 40546

COMMENTS

1. Little Cimarron Creek Ranch Subdivision is subject to the Declaration of Protective Covenants of Little Cimarron Creek Ranch Subdivision recorded at Reception No. 643449 of the records of Gunnison County, Colorado.

2. The driveways within Little Cimarron Creek Ranch Subdivision are private driveways dedicated to the owners of the Lots served by such private driveways. Costs of improvement and maintenance of shared driveways shall be shared equally between the owners of the Lots that they access.

3. The owner of each Lot shall have a common right of usage of the utility easements to provide utility service to each Lot under rules and regulations as determined by the Little Cimarron Creek Ranch Subdivision Homeowners Association.

4. All homeowners acknowledge that they are required to construct and maintain fencing in order to keep livestock off his/her property, as required by Colorado's "Fence Out" law, CRS § 35-46-101 et seq., and the Right-to-Ranch Policy adopted by Gunnison County, as may be amended.

Plat Notes:

WARNING AND DISCLAIMER OF FLOODPLAIN HAZARDS AFFECTING USE AND OCCUPANCY OF THIS PROPERTY

I/We, the undersigned owner(s) of property, on behalf of myself/ourselves and all successors, heirs and assigns, hereby acknowledge having been informed by Gunnison County of the existence of floodplain hazard areas that may affect the use and occupancy of this property, and any improvements thereto. I/We acknowledge that the County's approval of this land use change does not guarantee the safety of the property, or in any way imply that areas outside of the designated hazard areas will be free from hazards and hereby agree to indemnify, defend and save harmless the County, its agents, officers and employees from and against any and all liability, expense including defense costs and legal fees, and claims for damages of any nature whatsoever, including, bodily injury, death, personal injury, or property damage arising from or connected with any activity related to these hazards, including any suits, liability, or expense.

Without diminishing or impairing the above language, no owner of property within the Little Cimarron Creek Ranch Subdivision shall have any claim for indemnification or any other claim or cause of action against Lakeside on the Colorado, Ltd., a Texas limited partnership arising out of or relating to any flood or other act of God or hazard arising from the location of the owner's property on or around a floodplain. Every owner of property within the Little Cimarron Creek Ranch Subdivision, both individually and behalf of its successors, heirs and assigns, by accepting ownership of his, her or its property within the Little Cimarron Creek Ranch Subdivision, forever waives, releases, and discharges Lakeside on the Colorado, Ltd., a Texas limited partnership and its officers, agents and employees of and from any and all claims and causes of action, including claims for indemnification, arising out of or relating to any flood or other act of God or hazard arising from the location of the owner's property on or around a floodplain.

Pursuant to Section 11-103: F. 1: of the Gunnison County Land Use Resolution:

Confinement of Domestic Animals: Each Lot Owner within Little Cimarron Creek Ranch Subdivision shall comply with the Declaration of Protective Covenants of Little Cimarron Creek Ranch Subdivision recorded 11-18-16, 2016 at Reception No. 643449.

Colorado's Fence Out Requirements: A property owner is required to construct and maintain fencing in order to keep livestock off his/her property.

Irrigation Ditch Maintenance: An irrigation ditch owner has the right to enter the designated irrigation ditch maintenance easement, maintain the ditch, and may leave natural debris on the bank.

Lakeside on the Colorado, Ltd. a Texas limited partnership

By: [signature]

Name: Jay Dickens

Title: President of general partner

Compliance with Board of County Commissioners' Resolution

The property described on this plat is subject to all the requirements, terms and conditions of the Board of County Commissioners' Resolution No. 16-19, recorded at Reception No. 643398 of the Records of the Clerk and Recorder of Gunnison County.

Gunnison County Planning Commission Approval

The Planning Commission of Gunnison County, Colorado, hereby recommends approval of this plat of the above subdivision, such recommendation being made at a meeting of said Commission held this 8th day of Sept. A.D. 2016

[signature]
Chairperson

Board of County Commissioners' Approval

The within plat of the LITTLE CIMARRON CREEK RANCH SUBDIVISION is approved this 3rd day of May, A.D. 2016, and the private dedication of roads and common areas is approved on the condition that such roads and common areas shall be maintained and snow plowed, by and at the expense of the lot owners and not by Gunnison County or any other public agency.

[signature]
Chairperson, Gunnison County Board of Commissioners

Attest: [signature]
Gunnison County Clerk and Recorder

GUNNISON COUNTY SEAL COLORADO

LITTLE CIMARRON CREEK RANCH SUBDIVISION

DEDICATION

Lakeside on the Colorado, Ltd. a Texas limited partnership, being the owner and mortgagee of the land described as follows:

TOWNSHIP 48 NORTH, RANGE 6 WEST, NEW MEXICO PRINCIPAL MERIDIAN

Section 35: All that portion of the E1/2 NW1/4 and NE1/4 SW1/4 lying southwesterly of the right-of-way boundary of County Road No. 864, commonly known as Little Cimarron Road. Containing 66.27 acres.

County of Gunnison,
State of Colorado.

Note: The Southwesterly Right-of-Way of County Road No. 864 was accepted as established by Del-Mont Consultants Inc. on plat dated 8/12/08.

under the name of LITTLE CIMARRON CREEK RANCH SUBDIVISION, have laid out, platted and/or subdivided the same as shown on this plat and do hereby permanently dedicate and convey to the owners of lots, tracts or parcels within this subdivision and their guests, but not to the public at large, the common right to use the streets, alleys, roads and other areas as shown hereon and hereby permanently dedicate those portions of land labeled as easements for the installation and maintenance of public utilities shown hereon.

In witness whereof, Lakeside on the Colorado, Ltd. a Texas limited partnership have subscribed his, her, their name this 14th day of March, A.D. 2016.

By: [signature]
Name: Jay Dickens
Title: President, SolidRock Inv. Inc., GP

State of Texas)
) ss.
County of Eaton)

The foregoing instrument was acknowledged before me this 14th day of March A.D. 2016,

by Jay Dickens, President, SRI, Inc.

My commission expires

Witness my hand and official seal.

KATHRYN REYNOLDS
Notary Public, State of Texas
My Commission Expires
August 29, 2019

Kathryn Reynolds
Notary Public

CONSENT OF LENDER

The lender of the above property hereby consents to and acknowledges this subdivision plat.

American AgCredit

By: [signature]
Name: Jimmy Flowers
Title: VP Lending Manager

State of Colorado)
) ss.
County of Montrose

The foregoing instrument was acknowledged before me this 8th day of March A.D. 2016,

by Jimmy Flowers as VP Lending Manager of American AgCredit

My commission expires 11/6/2018

Witness my hand and official seal.

Bridget Atwood
Notary Public

BRIDGET ATWOOD
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID [illegible]
My Commission Expires November 6, 2018

By: ______________________
Name: ______________________
Title: ______________________

State of)
) ss.
County of)

The foregoing instrument was acknowledged before me this ____ day of ________ A.D. 2016,

by ______________ as ______________ of ______________________.

My commission expires______________

Witness my hand and official seal.

____
Notary Public

Recorder's Note: Poor Legibility on Document Provided for Recording

Gunnison County, CO
11/18/2016 4:28:13 PM
305
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Page 1 of 2
R 21.00 D [fee:doc]

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.

GUNNISON VALLEY SURVEY
69659 HIGHWAY 50
MONTROSE CO. 81401

GUNNISON VALLEY SURVEY
SETTING A MARK FOR ALL YOUR SURVEY NEEDS
240-0976

CERTIFICATE OF SURVEY
The undersigned, a professional [illegible] licensed to practice land surveying in the State of Colorado, does he[illegible] Title that the undersigned has surveyed the property described on this [illegible] is a correct representation of said survey; that said plat correctly shows all improvements situated on the described premises; that, except as shown, there are no visible easements or rights-of-way across said premises, no party walls, no encroachments on adjoining premises, streets or alleys by any of said improvements, and no encroachments on said premises by any improvements [illegible] adjoining premises except as shown.

Fred Ballard
07 March 2016

GUNNISON COUNTY SEAL COLORADO

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 18 day of November A.D. 2016,

Reception Number 643448, Time 4:28pm, Date 11/18/16

[signature] Deputy
Gunnison County Clerk and Recorder

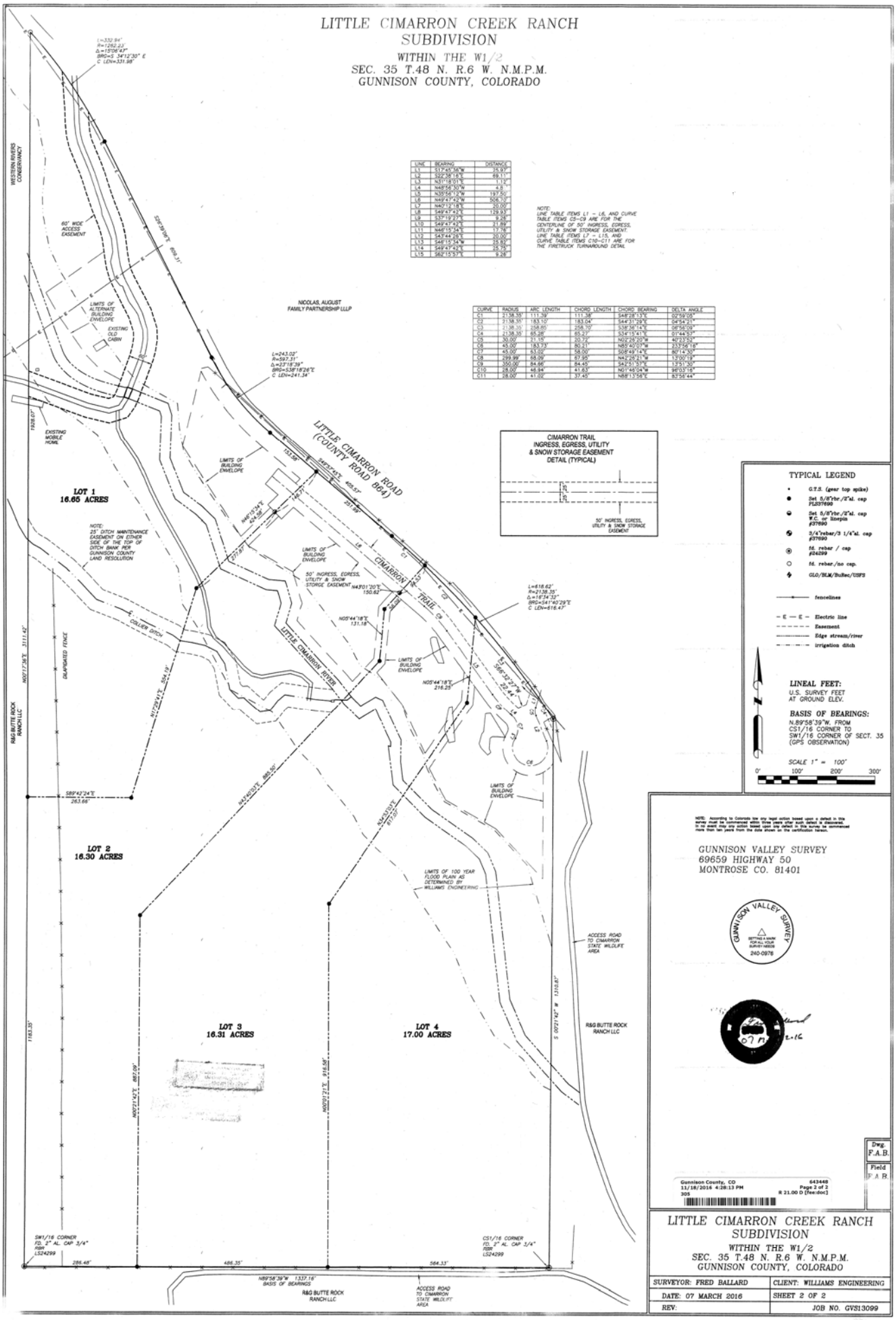
Dwg.	Field
F.A.B.	F.A.B.

LITTLE CIMARRON CREEK RANCH SUBDIVISION
WITHIN THE W1/2
SEC. 35 T.48 N. R.6 W. N.M.P.M.
GUNNISON COUNTY, COLORADO

SURVEYOR: FRED BALLARD	CLIENT: WILLIAMS ENGINEERING
DATE: 07 MARCH 2016	SHEET 1 OF 2
REV:	JOB NO. GVS13099

LITTLE CIMARRON CREEK RANCH SUBDIVISION

WITHIN THE W1/2
SEC. 35 T.48 N. R.6 W. N.M.P.M.
GUNNISON COUNTY, COLORADO



LINE	BEARING	DISTANCE
L1	S17°45'36"W	25.97'
L2	S22°38'18"E	69.11'
L3	N31°18'01"E	1.12'
L4	N49°56'30"W	4.5
L5	N39°56'29"W	197.20'
L6	N49°47'42"W	506.12'
L7	N67°17'18"E	20.00'
L8	S49°47'42"E	129.93'
L9	S37°19'27"E	9.26'
L10	S49°47'42"E	21.89'
L11	N46°15'34"E	17.76'
L12	S43°44'26"E	20.00'
L13	S46°15'34"W	25.82'
L14	S49°47'42"E	25.75'
L15	S62°15'57"E	9.28'

NOTE:
LINE TABLE ITEMS L1 – L6, AND CURVE TABLE ITEMS C5–C9 ARE FOR THE CENTERLINE OF 50' INGRESS, EGRESS, UTILITY & SNOW STORAGE EASEMENT.
LINE TABLE ITEMS L7 – L15, AND CURVE TABLE ITEMS C10–C11 ARE FOR THE FIRETRUCK TURNAROUND DETAIL

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	2138.35'	111.39'	111.38'	S48°28'13"E	02°59'05"
C2	2138.35'	183.10'	183.04'	S44°31'29"E	04°54'21"
C3	2138.35'	258.65'	258.10'	S38°36'14"E	06°56'09"
C4	2138.35'	65.28'	65.27'	S34°15'41"E	01°44'57"
C5	30.00'	21.15'	20.72'	N22°25'20"W	40°23'52"
C6	45.00'	183.73'	80.21'	N85°40'07"W	233°56'18"
C7	45.00'	63.02'	58.00'	S05°49'14"E	80°14'30"
C8	299.99'	68.09'	67.95'	N42°26'21"W	13°00'19"
C9	350.00'	84.66'	84.45'	S42°51'31"E	13°51'00"
C10	28.00'	46.94'	41.63'	N01°46'04"W	96°03'16"
C11	28.00'	41.02'	37.45'	N88°13'58"E	83°56'44"

CIMARRON TRAIL
INGRESS, EGRESS, UTILITY
& SNOW STORAGE EASEMENT
DETAIL (TYPICAL)

TYPICAL LEGEND

- G.T.S. (gear top spike)
- Set 5/8"rbr/2"al. cap PLS37699
- Set 5/8"rbr/2"al. cap W.C. or linepin #37690
- 3/4"rebar/3 1/4"al. cap #37690
- fd. rebar / cap #24399
- fd. rebar/no cap.
- GLO/BLM/BuRec/USFS
- fencelines
- Electric line
- Easement
- Edge stream/river
- irrigation ditch

LINEAL FEET:
U.S. SURVEY FEET
AT GROUND ELEV.

BASIS OF BEARINGS:
N.89°58'39"W. FROM
CS1/16 CORNER TO
SW1/16 CORNER OF SECT. 35
(GPS OBSERVATION)

SCALE 1" = 100'
0' 100' 200' 300'

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WITHIN THE W1/2
SEC. 35 T.48 N. R.6 W. N.M.P.M.
GUNNISON COUNTY, COLORADO

SURVEYOR: FRED BALLARD	CLIENT: WILLIAMS ENGINEERING
DATE: 07 MARCH 2016	SHEET 2 OF 2
REV:	JOB NO. GVS13099

AFFIDAVIT REGARDING SCRIVENER'S ERROR
[per C.R.S. § 38-35-109(5)]

STATE OF COLORADO)
) ss.
COUNTY OF GUNNISON)

Affiant, **Jacob A. With,** being first duly sworn upon oath, states:

1. Affiant has actual knowledge of, and is competent to testify to, the facts contained herein.

2. I am the attorney for Lakeside on the Colorado, Ltd., a Texas limited partnership.

3. On that certain Little Cimarron Creek Subdivision Boundary Line Adjustment plat as recorded in the real property records of Gunnison County, Colorado at reception number _____ (the "Plat") the signature block for The Laredo National Bank is intentionally left blank as The Laredo National Bank released its deed of trust eliminating the necessity of its execution of the Plat through that certain Request for Full Release of Deed of Trust and Release By Holder of the Evidence of Debt Without Production of Evidence of Debt Pursuant to §38-39-102(1)(A) and (3) Colorado Revised Statutes as recorded in the real property records of Gunnison County, Colorado at reception number 663853.

4. Given the timing of printing the Plat for signature and release of the deed of trust, the signature block for The Laredo National Bank became a scrivener's error at the time of recording as it was no longer necessary, which is why it is unsigned on the Plat. The Plat should not reflect any deed of trust to The Laredo National Bank as of recordation.

5. The land is more particularly described on the Plat, the title that may be affected is as set forth on the Plat, the owners of record at the time of recording are as set forth on the Plat.

3. Affiant acknowledges that he is testifying under penalty of perjury and is making this Affidavit for the purpose of correcting such scrivener's error pursuant to C.R.S. § 38-35-109(5). Affiant has no record interest in any property described on the Plat.

Dated this _____ day of December, 2019.

_____
Jacob A. With

Subscribed and sworn to before me this ____ day of December, 2019 by **Jacob A. With**.
My commission expires: _____

_____
Notary Public