AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Ratification of BOCC Chair Signature

Action Requested: Motion

Parties to the Agreement:

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

Summary:

Requesting ratification of BOCC Chair on the Revocable License Agreement that was signed during the 1/21/20 Regular Meeting.

Fiscal Impact:

Submitted by: Liz Mense **Submitter's Email Address:** EMense@gunnisoncounty.org

Finance Review: ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ◉ Required ○ Not Required

Comments:
ok db 1/23/20

Reveiwed by: GUNCOUNTY1\dBaumgarten Discharge Date: 1/23/2020 Certificate of Insurance Required

Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 1/27/2020

◉ Consent Agenda ○ Regular Agenda ○ Worksession Time Allotted: 0

Agenda Date: 2/4/2020

Revised April 2015

GUNNISON COUNTY
LI: 2020-007

REVOCABLE LICENSE AGREEMENT

THIS REVOCABLE LICENSE AGREEMENT ("Agreement") is entered into on this 21ST day of January, 2020, by and between the Board of County Commissioners of the County of Gunnison, Colorado, whose address is 200 E. Virginia, Gunnison, Colorado 81230 ("Licensor") and Ahren Cattles, whose address is 480 Red Tail Lane, Gunnison, Colorado 81230 ("Licensee"), as follows:

1. FACTS AND PURPOSES. The following facts and purposes apply to this Agreement:

1.1. Licensor is the owner of the parcel of land identified in the records of the Gunnison County Clerk and Recorder at Reception No. 499861 (the "Subject Parcel").

1.2. Licensee is the owner of the parcel of land identified in the records of the Gunnison County Clerk and Recorder as Reception No. 661450 (the "Benefitted Parcel").

1.3. The parties herein desire that Licensor provide to Licensee a revocable license to allow for a portion of the Subject Parcel to be used for limited purposes for the benefit of the Benefitted Parcel.

2. GRANT OF LICENSE. Licensor hereby grants to Licensee a revocable license (the "License") only for the limited purpose to provide set-back for and encroachment on the Subject Parcel of improvements existing on the Benefitted Parcel as of the date of this Revocable License Agreement, and to allow the Licensee to have non-exclusive use of the surface of the License Area, and illustrated in Appendix A, attached hereto and incorporated herein (the "License Area"). The area to which Licensee is being given a license is identified by cross-hatching on Appendix A.

3. DURATION OF LICENSE. The License shall continue and be in full force and effect unless and until Licensor determines, in its sole discretion, that continued use of the License Area would impede use by Licensor of its own real property.

4. TERMS AND CONDITIONS. Licensee understands and agrees to the following terms and conditions of the Agreement:

4.1. Licensee shall not place any further structures or improvements whatsoever within this License Area without prior written consent of Licensor or this Agreement shall be null and void. Such written consent may be withheld in the sole discretion of Licensor.

5. MAINTENANCE AND REPAIR. The Licensee shall keep all improvements within the License Area in good condition and repair, and shall maintain the same with such reasonable regularity and by such reasonable means and in such reasonable manner as to prevent the same from being or becoming unsightly or otherwise detract from the general appearance of adjacent

property, or which would constitute a nuisance or hazard contrary to public health, safety, and welfare.

6. ASSIGNMENT OF LICENSE. The License may not be conveyed, assigned or any interest granted therein except only by written consent by both Licensor and Licensee, which consent may be withheld in the sole discretion of Licensor. Any such conveyance or assignment shall only be consented to concurrent with a transfer of ownership of the Benefitted Parcel.

7. INDEMNIFICATION. Licensee shall exercise the privileges hereunder at Licensee's own risk, and Licensee agrees to indemnify, hold harmless and release Licensor from any and all claims, demands, liabilities, costs, losses and causes of action in any manner resulting from or rising out of the occupation of the License Area, or the use of the License, by Licensee or their agents, employees, invitees, guests or tenants. In all events, and notwithstanding any language in this License Agreement, Licensor does not waive in any fashion governmental immunity.

8. VENUE AND CHOICE OF LAW. This Agreement is entered into in Gunnison County, Colorado and it is agreed that the exclusive jurisdiction and venue of any action pertaining to the interpretation or enforcement of this Agreement shall be in the District Court of Gunnison County, Colorado. The exclusive choice of law pertaining to this transaction shall be that of the State of Colorado without giving effect to Colorado choice of law principles.

9. BINDING AGREEMENT. This Agreement shall be binding upon and inure to the benefit of Licensor and Licensee and their respective successors and assigns unless or until terminated as provided in this Agreement.

LICENSOR:

BOARD OF COUNTY COMMISSIONERS
COUNTY OF GUNNISON, COLORADO

By: _____
Jonathan Houck, Chairperson

ATTEST:

Elizabeth Mense
Deputy County Clerk

GUNNISON COUNTY SEAL COLORADO

LICENSEE:

By: _____
Ahren Cattles

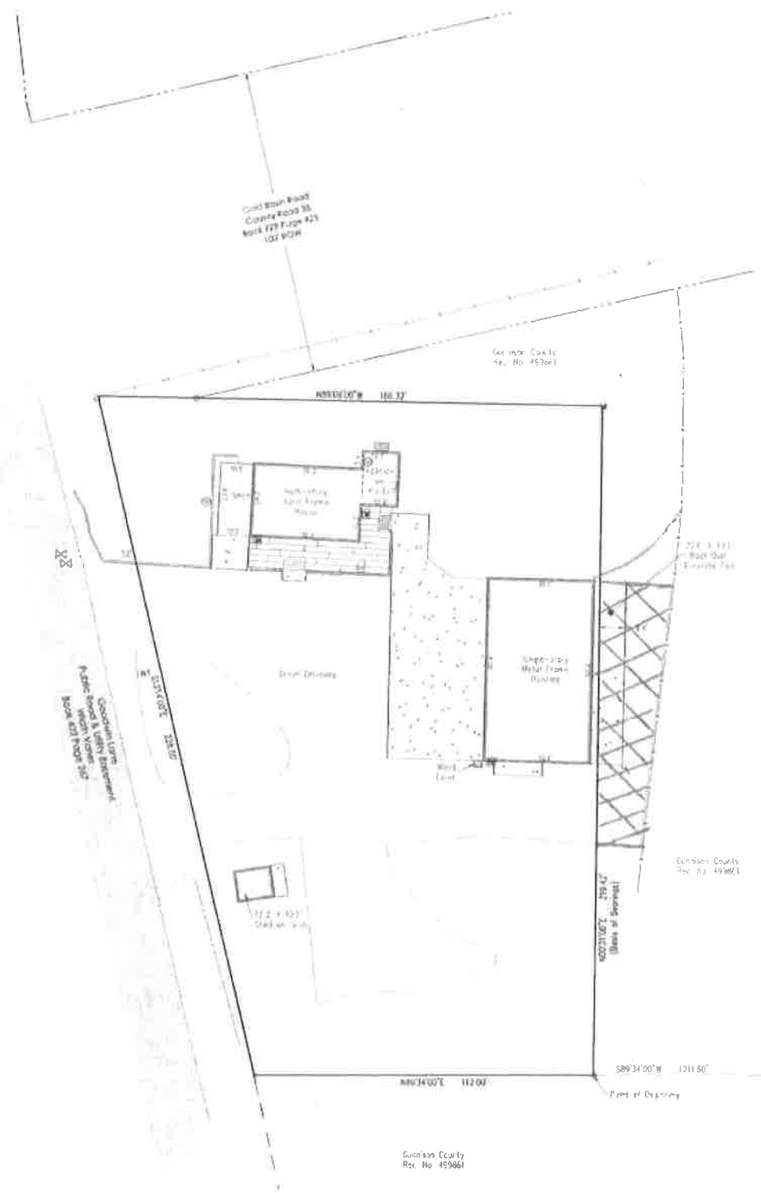
ATTEST:

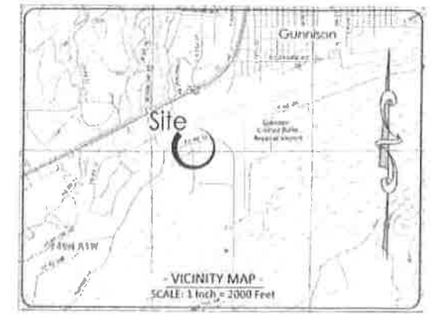
Lauren Hibbard
Secretary

Improvement Survey Plat

Cattles Property

Situated in the S1/2SW1/4 of Section 2
Township 49 North, Range 1 West of the New Mexico Principal Meridian
Gunnison County, Colorado





- LEGEND -

- Found PLSS Monument as Described
- Found No.5 Rebar & 2" Aluminum Cap, LS 25844
- Found No.5 Rebar and 1.5" Aluminum Cap, LS 23037
- Found No.5 Rebar & 1.5" Aluminum Cap (Illegible)
- Electric Meter
- Gas Meter
- Water Valve
- Fire Hydrant
- Well
- Electrical
- Mailbox
- Fence Line
- Retaining Wall
- Concrete
- Gravel
- Dirt
- Asphalt Drives

Graphic Scale
In U.S. Feet : 1" = 20'

PROPERTY DESCRIPTION:

Township 49 North, Range 1 West NMPM

Section 2: A parcel of land situate in the S1/2SW1/4, more particularly described as follows:

Commencing at the S1/4 corner of Section 2; thence South 89°34' West 1211.60 feet to the point of beginning; thence North 00°31' East 279.42 feet; thence North 89°09' West 166.32 feet; thence South 13°14' East 228.80 feet; thence North 89°34' East 117.00 feet to the point of beginning.

County of Gunnison,
State of Colorado

NOTES:

1. Basis of Bearings: Bearings shown hereon are based on a bearing of S00°31'00"W between the northeast property corner as marked by a No. 5 Rebar & 1.5" Aluminum Cap stamped LS23037 and the southeast property corner as marked by a No. 5 Rebar & 2" Aluminum Cap stamped LS25844, both corners being monumented as shown hereon.
2. This map has been prepared pursuant to client request for an Improvement Survey Plat.
3. Date of field survey: August 8, 2019
4. Units of linear measurements are displayed in US Survey Feet
5. SGM will not be responsible for any changes made to this document after it leaves our possession. Any copy, facsimile, etc., of this document must be compared to the original signed, sealed and dated document to insure the accuracy of the information shown on any such copy and to insure that no such changes have been made.
6. Subsurface utilities are not shown, as they were not marked by appropriate utility companies at the time of this survey. Additional surveying work may be required to show any such subsurface utility locations on this drawing.
7. Property descriptions shown hereon are based on Warranty Deed dated September 30, 2011, Recorded as Rec. No. 608643 in the records of Gunnison County, Colorado
8. Fences shown hereon, if any, have been shown for general reference and do not necessarily depict limits of ownership.
9. The property shown hereon is subject to all easements, rights-of-way, building setbacks or other restrictions of record, as such items may affect this property. This survey does not represent a title search by this surveyor to determine ownership or to discover easements or other encumbrances of record. All information pertaining to ownership, easement and other encumbrances of record has been taken from the Warranty Deed dated September 30, 2011, Recorded as Rec. No. 608643 in the records of Gunnison County, Colorado

SURVEYOR'S CERTIFICATE:

I, Robert E. Brandeberry, being a registered Professional Land Surveyor, licensed in the State of Colorado, do hereby certify to Abram and Jaime Cattles, that this is an Improvement Survey Plat as defined by CRS 38-51-102(6), resulting from a monumented land survey, showing the correct location of all significant visible structures, utilities, fences, hedges, or walls situated on the described parcel and within five feet of all boundaries of such parcel, and also any visible conflicting boundary evidence or encroachments, and all easements and rights-of-way of a public or private nature that are visible, or apparent, or of record, and underground utilities described to us or other sources and that this Improvement Survey Plat was prepared by SGM, on this date, August 8, 2019 based on site conditions as they existed during a field survey performed during August 8, 2019 under my direct supervision and checking and that it is true and correct to the best of my knowledge and belief.

Robert E. Brandeberry
Colorado PLS # 38368
For, and on behalf of SGM

COLORADO LICENSED 38368 PROFESSIONAL LAND SURVEYOR

SGM
103 W. Tomichi Ave., Suite A
Gunnison, CO 81230
970.641.5355 www.sgm-inc.com

Cattles Property
76 County Road 50
Gunnison, Colorado

No.	Date	Revision
1	8/13/19	Revised per client comments
2	8/14/19	Revised per client comments
3	8/15/19	Revised per client comments
4	8/16/19	Revised per client comments
5	8/19/19	Revised per client comments
6	8/20/19	Revised per client comments
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