AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Lot Cluster; Buckstaff

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement:

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

Summary:

Sinclair and Dee Ann Buckstaff cluster lots 3-5 & 14-16, Blk 6, Irwin including alleys

Fiscal Impact:

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

Finance Review: ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ◉ Required ○ Not Required

Comments:
ok db 7/15/20

Reveiwed by: GUNCOUNTY1\dBaumgarten Discharge Date: 7/15/2020 Certificate of Insurance Required

Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\emense Discharge Date: 7/17/2020

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

Agenda Date: 7/21/2020

Revised April 2015

TO: BOCC
FROM: Beth Baker (Community Development Staff)
RE: Sinclair and Dee Ann Buckstaff Lot Cluster

In 2007 Sinclair and Dee Ann Buckstaff received an approved Lot Cluster of Lots 3-5 and 14-16, Block 6, Irwin – including alleys. At that time the BOCC Resolution was not completed correctly, so this lot cluster is being done at the direction of the County Attorney to complete the process with a correct BOCC Resolution.

The application has been reviewed and approved by the County Attorney and the Community Development Director.

- Taxes are current
- No Utilities

You may view the Department file using the link:

- http://204.132.78.100/citizenaccess/
- Click on Projects
- Search by Application Number- LUC-20-00035
- Click on File
- Click on Attachment
- Click on View- any attachment

Please call with any questions.

Thanks,
Beth Baker
Manager of Administrative Services
Community and Economic Development
970-641-0360
bbaker@gunnisoncounty.org

LOT CLUSTER AGREEMENT AND DECLARATION

Date of Meeting_____(filled in by staff)

THIS LOT CLUSTER AGREEMENT AND DECLARATION is made between the Board of County Commissioners of the County of Gunnison, Colorado (hereinafter "Gunnison County")

and Sinclair Buckstaff, ,Jr. **(Owner)**

Dee Ann Buckstaff **(Owner)**

_____ **(Owner)**

_____ **(Owner)**

RECITALS:

Legal Description: Complete – please attach if too long

Lots 3-5 and 14-16, Block 6, Townsite of Irwin
and
The alley within Block 6, Townsite of Ivwin , adjacent to Lots 3 through 5 and 14 through 16; and that portion of 12th Street within Block 6, Townnsite of Irwin, adjacent to Lots 3 through 5 pursuant to Resolution 96-42, Resolution 07-44 and Resolution 20-23

and any adjacent street or alley that is or may be vacated.,
County of Gunnison
State of Colorado

2. This *Lot Cluster Agreement and Declaration* is made for good, valuable and sufficient consideration, including the creation of a single parcel by the clustering of the above described properties.

NOW, THEREFORE, it is agreed that:

1. Gunnison County, Colorado and Owner, on behalf of themselves, their respective heirs, successors, personal representatives and assigns, hereby declare that the real property described above shall hereafter be and is combined into one parcel to be maintained as one new integrated parcel and single building lot and further declare that no portion of such new parcel constituting less than the entire new parcel may be conveyed, mortgaged or encumbered or otherwise transferred without prior compliance with applicable subdivision requirements including but not limited to the *Gunnison County Land Use Resolution.*

2. This *Lot Cluster Agreement and Declaration* does not independently change or amend any fee, assessment or charge regarding any service to such real property.

3. This *Lot Cluster Agreement and Declaration* is made for the benefit of Gunnison County, Colorado, and shall run with the land in perpetuity. Nothing in this *Lot Cluster Agreement and Declaration* is or shall be construed to be a waiver of applicable County Building, Sewage Disposal System, Land Use Change or other permit requirements.

4. This *Lot Cluster Agreement and Declaration* shall not have effect until it is recorded, at the cost of the Applicant, with the Clerk and Recorder of Gunnison County, Colorado.

5. The lot cluster approved by recordation of this *Lot Cluster Agreement and Declaration* does not result in a guarantee of approval of an Individual Septic System Permit application or approval of a variance from the *Gunnison County Individual Sewage Disposal System Regulations*.

6. Approval of this lot cluster is subject to the terms of the utility companies potentially affected by this action. The companies' comments are attached to, and are hereby incorporated as part of this *Lot Cluster Agreement and Declaration*.

Date:_____ _____
Owner

Date:_____ _____
Owner

Date:_____ _____
Owner

Date:_____ _____
Mortgage or Lien Holder

STATE OF COLORADO)
)ss
COUNTY OF GUNNISON)

The foregoing instrument was acknowledged before me this ___ day of _____ 20____
by _____**(Owner/s).**

Witness my hand and official seal.

My Commission expires: _____

_____
Notary Public

Address:

STATE OF COLORADO)
)ss
COUNTY OF GUNNISON)

The foregoing instrument was acknowledged before me this _____ day of _____20___ by _____ **(Mortgage/Lien Holder).**

Witness my hand and official seal.

My Commission expires: _____

_____
Notary Public

Address:

Date: _____

_____	_____	_____
Jonathan Houck Chairperson	Roland Mason Commissioner	John Messner Commissioner

Board of County Commissioners
Gunnison County, Colorado

Attest:

_____
Gunnison County Clerk and Recorder

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

RESOLUTION NO: 2020-23

A RESOLUTION VACATING A CERTAIN PORTION OF STREET LYING WITHIN THE TOWNSITE OF IRWIN, COUNTY OF GUNNISON, STATE OF COLORADO

WHEREAS, the Board of County Commissioners of the County of Gunnison, Colorado ("Board"), by virtue of Colorado law, has authority and is the owner of certain roads and alleys lying within the County of Gunnison; and

WHEREAS, the Board has determined that not all platted roads and alleys are necessary for public access to privately owned property; and

WHEREAS, the Board has received a request to vacate a certain portion of a street lying within the Townsite of Irwin, County of Gunnison, State of Colorado described as follows:

> That portion of 12th Street in Block 6 that abuts lots 3, 4, and 5, Townsite of Irwin, County of Gunnison, State of Colorado; and

WHEREAS, the vacation of the above described portion of street lying within the Townsite of Irwin, will not hinder any property owners of any lands from having access to their respective land nor disrupt existing travel modes or anticipated conditions in traffic or development patterns; and

WHEREAS, there will be no adverse impact to the natural environment, community needs or public health, safety and welfare from the vacation of the above described portion of street lying within the Townsite of Irwin; and

WHEREAS, the notices required by Colorado law for such vacation have been given and a public hearing on such vacation has been conducted; and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado that the certain portion of street lying within the Townsite or Irwin, County of Gunnison, State of Colorado described as follows shall be and hereby is vacated:

> That portion of 12th Street in Block 6 that abuts lots 3, 4, and 5, Townsite of Irwin, County of Gunnison, State of Colorado.

It is the specific intent of the Board that the vacation of the above described portion of street lying within the Townsite of Irwin shall accrue to and vest in the record owner(s) of adjacent real property pursuant to the provisions of C.R.S. § 43-2-302.

FURTHERMORE, this Resolution is contingent upon and shall not become effective until the recording in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado of the following:

1. This Resolution.

INTRODUCED by Commissioner MASON, seconded by Commissioner HOUCK, and adopted this 7TH day of JULY, 2020.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

By: _____
Jonathan Houck, Chairperson

By: _____
Roland Mason, Commissioner

ATTEST:

Elizabeth Menze
Deputy County Clerk

GUNNISON COUNTY SEAL COLORADO