AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: 2nd Amendment; Condominium Map

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement:

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

Summary:

Double Down LLC & Riverland Professional Center LLC - 2nd amendment to the Riverland Professional Center Condominiums

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: 2nd Amendment to Condominium Mpa

Double Down LLC and Riverland Professional Center LLC have applied to amend the condominium map. Lot 21, Riverland Industrial Park.- Riverland Profession Center Condominiums. They will be replanting Units 3B and 3F.

- The application has been reviewed and approved by the County Attorney

You may view the Department file using the link:

- http://204.132.78.100/citizenaccess/
- Click on Projects
- Search by Application Number- LUC-20-00009
- 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

LAND SURVEYOR'S STATEMENT

I, Stephen L. Jessoe, for and on behalf of All County Survey, Inc., being a Licensed Professional Land Surveyor in the State of Colorado, do hereby state that this **SECOND AMENDMENT TO THE CONDOMINIUM MAP of RIVERLAND PROFESSIONAL CENTER CONDOMINIUMS** was prepared by me and under my responsible charge & supervision and a) is accurate to the best of my knowledge, information and belief, b) is in accordance with applicable standards of practice, and c) is not a guarantee or warranty either expressed or implied. This Map contains all information required by C.R.S. Section 38-33.3-209.

Dated this 1st day of May, A.D. 2020.

COLORADO LICENSED PROFESSIONAL LAND SURVEYOR STEPHEN LAWRENCE JESSOE 38048

_____ (Seal)
Stephen L. Jessoe
Colorado Licensed Professional Land Surveyor No. 38048
For and on behalf of All County Survey, Inc.
P.O. Box 7164, Gunnison, CO 81230

SURVEY NOTES

1. All Unit Boundaries, General Common Elements, and Limited Common Elements are based on the Map of Riverland Professional Center Condominiums recorded June 30, 2004 under Reception no. 543564, and the Amendment to Condominium Map recorded September 17, 2008 under Reception no. 586520 of the records of Gunnison County.
2. Basis of Bearing and Basis of Elevation are assumed and are based solely on the Map of Riverland Professional Center Condominiums recorded June 30, 2004 under Reception no. 543564.
3. Distances and dimensions are in U.S. Survey Feet.
4. Unit descriptions, easements, and encumbrances are based on Land Title Guarantee Company's Title Commitment No. GUC88001713 dated August 23, 2019. This Map does not constitute a title search by this surveyor. Additional easements and encumbrances may exist.

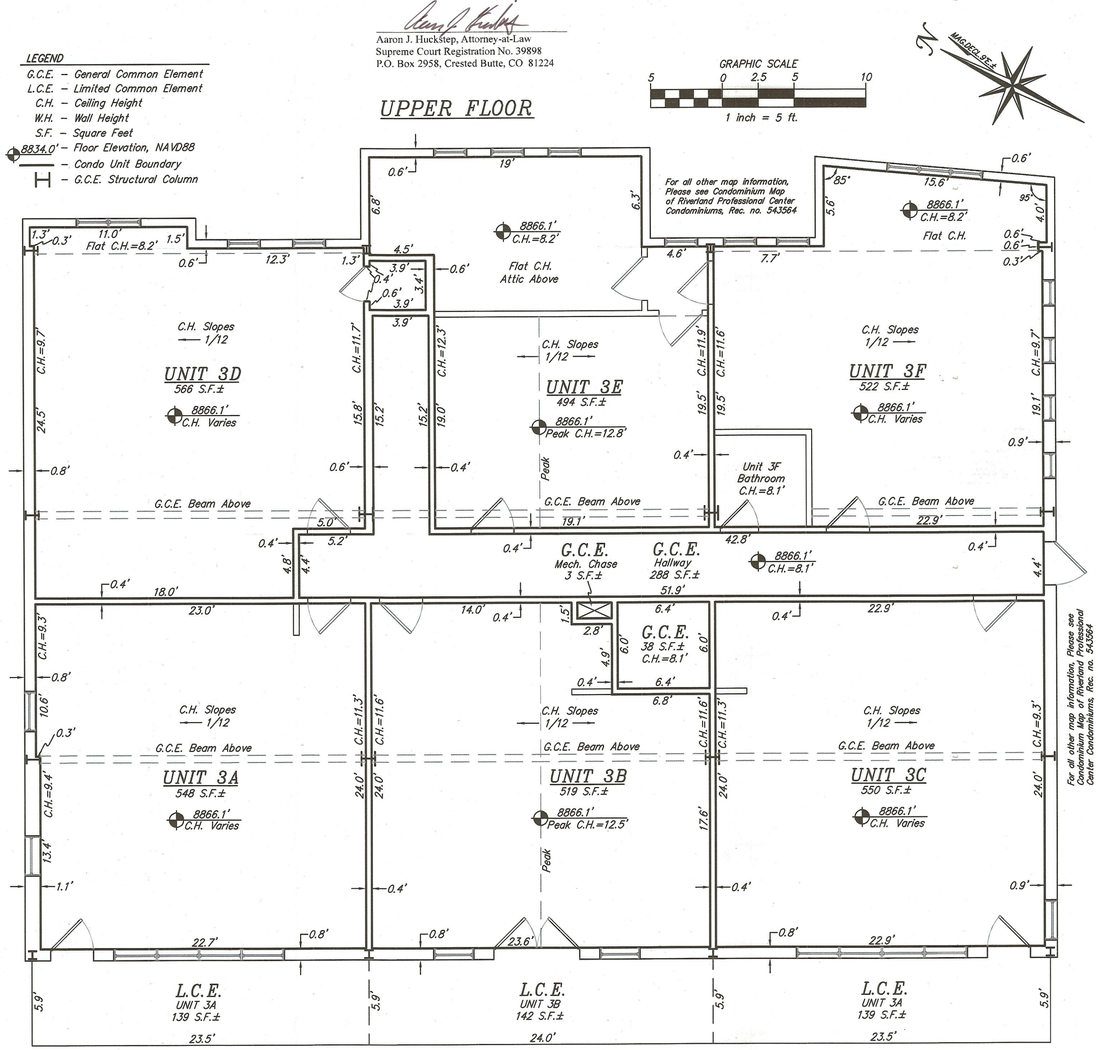
ATTORNEY'S OPINION - UNIT 3C

I, Aaron J. Huckstep, being an attorney-at-law duly licensed to practice before courts of record in the State of Colorado, do hereby certify that I have examined the title to all lands herein dedicated and shown upon this plat and title to such lands is in the dedicator free and clear of all liens, taxes and encumbrances, except as follows:
1. Right of way for ditches or canals constructed by the authority of the United States as reserved in United States Patent recorded May 14, 1919, in Book 184 at page 164 and in Patent recorded July 3, 1919 in Book 184 at page 167.
2. Terms, conditions, provisions, burdens, obligations and easements as set forth and granted in Warranty Deed recorded November 20, 1981 in Book 574 at page 352.
3. Terms, conditions, provisions, burdens, obligations and easements as set forth and granted in Quit Claim Deed recorded January 20, 1982 in Book 576 at page 390.
4. Easements, conditions, covenants, restrictions, reservations and notes on the Plat of Riverland - an Industrial Park, Filing 1 recorded September 14, 1982 under Reception No. 369534.
5. Restrictive covenants which do not contain a forfeiture or reverter clause, but omitting any covenants or restrictions, if any, based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as contained in Declaration of Protective Covenants for Riverland Industrial Park recorded September 14, 1982, in Book 584 at page 304 and the Addendum recorded December 28, 1982 in Book 588 at page 581.
6. Easements, conditions, covenants, restrictions, reservations and notes on the Plat of Riverland - an Industrial Park, Filing 2 recorded May 24, 1996 under Reception No. 467881 as modified by Plat Correction recorded June 4, 1996 in Book 784 at page 190.
7. Restrictive covenants which do not contain a forfeiture or reverter clause, but omitting any covenants or restrictions, if any, based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as contained in declaration of protective covenants for Riverland Industrial Park, Filing 2 recorded May 24, 1996, in Book 783 at page 529, as amended by Instrument recorded May 20, 1998 under Reception No. 483726 and the consents thereto recorded at Reception Nos. 483727, 483728, 483729, 483730, 483731, 483732, 483733, 483734, 483735, 483736, 483737, 483738, 483739, 483740, 483741, 483742, and 483743.
8. Terms, conditions, provisions, burdens, agreements and obligations as set forth in Development Improvement Agreement recorded May 24, 1996 in Book 783 at page 533 and recorded June 17, 1996 in Book 785 at page 116.
9. The effect of Gunnison County Planning Commission Finding of No Impact Certification No. 11, Series 1996 recorded August 27, 1996 in Book 789 at page 485.
10. Terms, conditions, provisions and restrictions set forth in Restrictive Covenant recorded July 12, 2001 at Reception No. 512330.
11. Terms, conditions and provisions of Certificate of Minor Impact Approval, Certification No. 3, Series 2001 recorded September 17, 2001 at Reception No. 514223.
12. Any covenants, agreements, assessments and/or easements for public utilities, sewer, drainage and other incidental purposes that affect the common elements only, as shown on the Map of Riverland Professional Center Condominiums recorded June 30, 2004 under Reception No. 543564; and on the Amendment to Condominium Map recorded September 17, 2008 under Reception No. 586520.
13. Those provisions, covenants and conditions, easements, and restrictions, which are a burden to the condominium units described hereon, but omitting any covenants or restrictions, if any, based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as contained in declaration establishing Riverland Professional Center Condominiums recorded June 30, 2004, under Reception No. 543565; and in the Amendment to Declaration recorded September 17, 2008 under Reception No. 586521.
14. Terms, conditions, provisions, burdens and obligations as set forth in Board of County Commissioners of the County of Gunnison, Colorado Resolution No. 2016-1 recorded January 6, 2016 under Reception No. 637409.
15. Deed of Trust from Riverland Profession Center, LLC, a Colorado limited liability company to the Public Trustee of San Gunnison County for the benefit of Community Banks of Colorado to secure an indebtedness in the principal sum of $1,070,000.00, and any other amounts and/or obligations secured thereby, dated May 22, 2003 and recorded May 22, 2003 at Reception No. 530920, as well as an Assignment of Rents recorded May 22, 2003 at Reception No. 530921; an Assignment of Deed of Trust and Assignment of Rents recorded May 16, 2014 at Reception No. 626750; and a Modification of Deed of Trust recorded January 12, 2015 at Rec. No. 630823.

Dated this 5th day of May, A.D. 2020.

Aaron J. Huckstep, Attorney-at-Law
Supreme Court Registration No. 39898
P.O. Box 2958, Crested Butte, CO 81224

LEGEND
G.C.E. – General Common Element
L.C.E. – Limited Common Element
C.H. – Ceiling Height
W.H. – Wall Height
S.F. – Square Feet
8834.0' – Floor Elevation, NAVD88
– Condo Unit Boundary
– G.C.E. Structural Column



ATTORNEY'S OPINION - UNITS 3A, 3B, 3D, 3E, AND 3F

I, Aaron J. Huckstep, being an attorney-at-law duly licensed to practice before courts of record in the State of Colorado, do hereby certify that I have examined the title to all lands herein dedicated and shown upon this plat and title to such lands is in the dedicator free and clear of all liens, taxes and encumbrances, except as follows:
1. Reservation of right of way for ditches or canals constructed by authority of United States, in U.S. Patent recorded May 14, 1919 in Book 184 at page 164 and July 3, 1919 in Book 184 at page 167, and all other matters contained therein or Acts authorizing the issuance thereof.
2. All easements and rights of way as reserved in Deeds recorded November 20, 1981 in Book 574 at page 352 and January 20, 1982 in Book 576 at page 390; subject to the terms, conditions, provisions and obligations contained therein.
3. Notes, easements, restrictions, reservations, densities, designated uses, setbacks, rights of way of a public, or private nature, and all other matters as disclosed on plats of said subdivision at Reception No. 369534; Reception No. 543564; and Reception No. 467881, of which a Plat Correction was recorded June 4, 1996 in Book 784 at page 190.
4. Reservations, conditions, powers of attorney, easements, options, covenants, agreements and limitations of title, and all other provisions contained in, or incorporated by reference into the Declaration of Protective Covenants for Riverland Industrial Park recorded September 14, 1982 in Book 584 at page 304 and Addendum recorded December 28, 1982 in Book 588 at page 581; as amended or supplemented.
5. Reservations, conditions, powers of attorney, easements, options, covenants, agreements and limitations of title, and all other provisions contained in, or incorporated by reference into the Declaration of Protective Covenants for Riverland Industrial Park, Filing 2 recorded May 24, 1996 in Book 783 at page 529; Amendment recorded May 20, 1998 at Reception No. 483726 and Consent of Board of County Commissioners recorded May 20, 1998 at Reception No. 483727 and Letter Regarding Amendment recorded May 20, 1998 at Reception No. 483741; as amended or supplemented.
6. Restrictive Covenants regarding sewage disposal system, recorded July 12, 2001 at Reception No. 512330; subject to the terms, conditions, provisions and obligations contained therein.
7. Certificate of Minor Impact Approval recorded September 17, 2001 at Reception No. 514223; subject to the terms, conditions, provisions and obligations contained therein.
8. Reservations, conditions, powers of attorney, easements, options, covenants, agreements and limitations of title, and all other provisions contained in, or incorporated by reference into the Declaration establishing Riverland Professional Center Condominiums recorded June 30, 2004 at Reception No. 543565 and Amendment recorded September 17, 2006 at Reception No. 586521; and Second Amendment recorded January 21, 2020 at Reception No. 664687; as amended or supplemented.
9. As to Units 3A, 3B and 3D only: Deed of Trust from Riverland Profession Center, LLC, a Colorado limited liability company to the Public Trustee of Gunnison County for the benefit of Community Banks of Colorado to secure an indebtedness in the principal sum of $1,070,000.00, and any other amounts and/or obligations secured thereby, dated May 22, 2003 and recorded May 22, 2003 at Reception No. 530920, as well as an Assignment of Rents recorded May 22, 2003 at Reception No. 530921; an Assignment of Deed of Trust and Assignment of Rents recorded May 16, 2014 at Reception No. 626750; and a Modification of Deed of Trust recorded January 12, 2015 at Reception No. 630823.
10. As to Units 3E and 3F only: Deed of Trust from Double Down LLC, a Colorado limited liability company to the Public Trustee of Gunnison County for the benefit of Alpine Bank to secure an indebtedness in the principal sum of $206,250.00, and any other amounts and/or obligations secured thereby, dated April 9, 2018 and recorded April 9, 2018 at Reception No. 652562.

Dated this 5th day of May, A.D. 2020.

Aaron J. Huckstep, Attorney-at-Law
Supreme Court Registration No. 39898
P.O. Box 2958, Crested Butte, CO 81224

MAP NOTES

1. Any person who acquires any interest in any of the real property platted on this Map shall be deemed to have accepted the terms, conditions, exceptions, restrictions, limitations and definitions set forth herein and in the Declaration establishing RIVERLAND PROFESSIONAL CENTER CONDOMINIUMS recorded June 30, 2004 under Reception no. 543565; and in the Amendment to Declaration recorded Sept. 17, 2008 under Reception no. 586521.
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 maintenance or construction within any Condominium Unit, the property disturbed or damaged by such maintenance or construction shall be restored as near as reasonably possible to its original condition.
4. Domestic 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 Riverland Professional Center Condominiums Association or the individual unit owner.
5. C.R.S. Section 35-46-101 *et. seq.* requires the Riverland Professional Center Condominiums Association to construct and maintain fencing to keep livestock off of the Riverland Professional Center Condominiums property.
6. 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.
7. The property described on this plat is subject to all the requirements, terms and conditions of the Board of County Commissioners' Resolution No. _____, recorded at Reception No._____ of the Official Records of the Clerk and Recorder of Gunnison County.

LIEN HOLDER'S CONSENT - UNITS 3E AND 3F

Alpine Bank, being the holder of a lien, as recorded as Reception No. 652562 of the real property records of Gunnison County, Colorado on a portion of the land dedicated, platted and/or subdivided do hereby consent to such Dedication, Map, and/or subdivision.

In witness whereof, Joe Amato of Alpine Bank has executed this Map this 26 day of May, 2020.

By: _____
Name: Joe Amato
Title: AVP

State of Colorado)
) ss.
County of Pitkin)

The foregoing instrument was acknowledged before me this 26 day of May, 2020 by Joe Amato as AVP of Alpine Bank.

Witness my hand and official seal.
My commission expires: 10/19/2020

Notary Public (seal)

ERIN EARLEY
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID #20164040104
My Commission Expires October 19, 2020

LIEN HOLDER'S CONSENT - UNITS 3A, 3B, ~~X~~ AND 3D

Community Banks of Colorado, being the holder of a lien, as recorded as Reception No. 530920 of the real property records of Gunnison County, Colorado on a portion of the land dedicated, platted and/or subdivided do hereby consent to such Dedication, Map, and/or subdivision.

In witness whereof, Dana Swing has executed this Map this 22 day of June, 2020.

By: _____
Name: Dana Swing
Title: Business Banking Officer

State of Colorado)
) ss.
County of Eagle)

The foregoing instrument was acknowledged before me this 22 day of June, 2020 by Dana Swing as Business Banking Officer of Community Banks of Colorado

Witness my hand and official seal.
My commission expires: 5/30/2023

Notary Public (seal)

NEIL CARPENTER FRANSEN
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID# 20144017595
MY COMMISSION EXPIRES MAY 30, 2023

DEDICATION

We, Riverland Professional Center, LLC, a Colorado limited liability company; Double Down LLC, a Colorado limited liability company; SPEJ20191112, LLC, an Arizona limited liability company; and Riverland Professional Center Condominiums Association, Inc., a Colorado nonprofit corporation; being the unit owners and Condominium Association for Riverland Professional Center Condominiums, under the name of **SECOND AMENDMENT TO THE CONDOMINIUM MAP of RIVERLAND PROFESSIONAL CENTER CONDOMINIUMS,** have laid out, platted, and/or subdivided the same as shown on this Map, as follows:

1. Description. The real property laid out and platted as **SECOND AMENDMENT TO THE CONDOMINIUM MAP of RIVERLAND PROFESSIONAL CENTER CONDOMINIUMS,** as shown on this map is:

Unit 3A, Unit 3B, Unit 3C, Unit 3D, Unit 3E, and Unit 3F, Riverland Professional Center Condominiums, according to the Condominium Map thereof recorded June 30, 2004 under Reception no. 543564, the Condominium Declaration pertaining thereto recorded June 30, 2004 under Reception no. 543565, and in the Amendment to Declaration recorded September 17, 2008 under Reception no. 586521, County of Gunnison, State of Colorado.

2. Condominium Declaration. The real property laid out as **SECOND AMENDMENT TO THE CONDOMINIUM MAP of RIVERLAND PROFESSIONAL CENTER CONDOMINIUMS** is platted and dedicated pursuant to the terms and conditions of the Condominium Declaration for Riverland Professional Center Condominiums recorded June 30, 2004 under Reception no. 543565 and in the Amendment to Declaration recorded September 17, 2008 under Reception no. 586521 in the office of the Gunnison County Clerk and Recorder.

IN WITNESS WHEREOF, Riverland Professional Center, LLC, a Colorado limited liability company, Owner of Units 3A, 3B and 3D, hereby executes this Dedication the 12th day of May, 2020.

Riverland Professional Center, LLC, a Colorado limited liability company

By: _____, Managing Member

STATE OF Colorado)
) ss.
COUNTY OF Gunnison)

The foregoing Dedication was acknowledged before me this 12th day of May, 2020 by Scott Hargrave, as Managing Member of Riverland Professional Center, LLC, a Colorado limited liability company. Witness my hand and official seal. My commission expires: 10/23/23.

Notary Public

TERI COLVIN
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20034028169
MY COMMISSION EXPIRES OCTOBER 23, 2023

IN WITNESS WHEREOF, Double Down LLC, a Colorado limited liability company, Owner of Units 3E and 3F, hereby executes this Dedication the 21 day of May, 2020.

Double Down LLC, a Colorado limited liability company

By: _____, Managing Member

STATE OF Colorado)
) ss.
COUNTY OF Gunnison)

The foregoing Dedication was acknowledged before me this 21 day of May, 2020 by Jennifer Swan, as Managing Member of Double Down LLC, a Colorado limited liability company. Witness my hand and official seal. My commission expires: 10/23/23.

Notary Public

TERI COLVIN
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20034028169
MY COMMISSION EXPIRES OCTOBER 23, 2023

IN WITNESS WHEREOF, SPEJ20191112, LLC, an Arizona limited liability company, Owner of Unit 3C, hereby executes this Dedication the 5th day of June, 2020.

SPEJ20191112, LLC, an Arizona limited liability company

By: _____, Managing Member

STATE OF Colorado)
) ss.
COUNTY OF Gunnison)

The foregoing Dedication was acknowledged before me this 5th day of June, 2020 by Jim Spencer, as Managing Member of SPEJ20191112, LLC, an Arizona limited liability company. Witness my hand and official seal. My commission expires: 10/23/23.

Notary Public

TERI COLVIN
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20034028169
MY COMMISSION EXPIRES OCTOBER 23, 2023

IN WITNESS WHEREOF, Riverland Professional Center Condominiums Association, Inc., a Colorado nonprofit corporation, hereby executes this Dedication the 12th day of May, 2020.

Riverland Professional Center Condominiums Association, Inc., a Colorado nonprofit corporation

By: _____, President

STATE OF Colorado)
) ss.
COUNTY OF Gunnison)

The foregoing Dedication was acknowledged before me this 12th day of May, 2020 by Kristi Hargrave, as President of Riverland Professional Center Condominiums Association, Inc, a Colorado nonprofit corporation. Witness my hand and official seal. My commission expires: 10/23/23.

Notary Public

TERI COLVIN
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20034028169
MY COMMISSION EXPIRES OCTOBER 23, 2023

BOARD OF COUNTY COMMISSIONERS APPROVAL

The within **SECOND AMENDMENT TO THE CONDOMINIUM MAP of RIVERLAND PROFESSIONAL CENTER CONDOMINIUMS** is approved this ____ day of _____, 2020, and the private dedication of roads and common areas is approved on the condition that such roads and common areas shall be maintained and snowplowed, by and at the expense of the unit owners and not by Gunnison County or any other public agency.

By _____
Chairperson, Board of County Commissioners

ATTEST:

_____
Gunnison County Clerk and Recorder

GUNNISON COUNTY CLERK AND RECORDER'S ACCEPTANCE

This Map was accepted for filing in the office of the Clerk and Recorder of Gunnison County, Colorado, on this ____ day of _____, 2020.

Reception Number _____ Time _____ Date_____

_____
County Clerk

ALL COUNTY SURVEY INC.
Stephen Jessoe, P.L.S.
P.O. Box 7164, Gunnison, CO 81230
970-349-9400 www.allcountysurvey.com

SECOND AMENDMENT TO THE CONDOMINIUM MAP of RIVERLAND PROFESSIONAL CENTER CONDOMINIUMS
LOT 21, RIVERLAND – AN INDUSTRIAL PARK FILING 2
LOCATED WITHIN SE1/4 SEC. 12, T14S, R86W, 6th P.M.
COUNTY of GUNNISON, STATE of COLORADO

SCALE: 1" = 5'

According to Colorado Law, you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any legal action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

DATE: 6 December 2019
DRAWN BY: ADJ / SLJ
REVIEWED BY: SLJ

REVISIONS:
1. Dedication, Unit 3F Bath 12/19/19
2. Attorney's Opinions 1/22/20
3. Added SPEJ20191112, LLC 4/16/20
4. Edits to Atty. Opinon 4/30/20

SECOND AMENDMENT TO MAP of RIVERLAND PROFESSIONAL CENTER CONDOMINIUMS
LOT 21, RIVERLAND
AN INDUSTRIAL PARK – FILING 2
COUNTY of GUNNISON
STATE of COLORADO