AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Approval of Lothlorien Town Home Plat

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement:

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

Summary:

Approval Lothlorien Town home Plat
363 Cement Creek Rd.

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:
The plat as revised on 8/20/20 (mainly to reference Board resolutions that did not appear in a prior version) appears legally sufficient. MRH

Reveiwed by: Discharge Date: 8/20/2020 Certificate of Insurance Required

Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 8/21/2020

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

Agenda Date: 8/25/2020

Revised April 2015

TO: Board of County Commissioners
FROM: Community Development Staff
RE: BOCC August 25th Townhome plat review and approval

The applicant has submitted a townhome plat for review and approval. Lothlorien Townhomes were just completed and received their Cert. of Occupancy on August 5, 2020.

You may view the entire online file using the link:

https://permitdb.gunnisoncounty.org/citizenaccess/
click Projects
Search by Application ---- LUC-20-00042 (exactly)
Click on the File
Click on attachments
Click on view for any document.

Thank you
Beth Baker
Gunnison County Community Development
970-641-0360

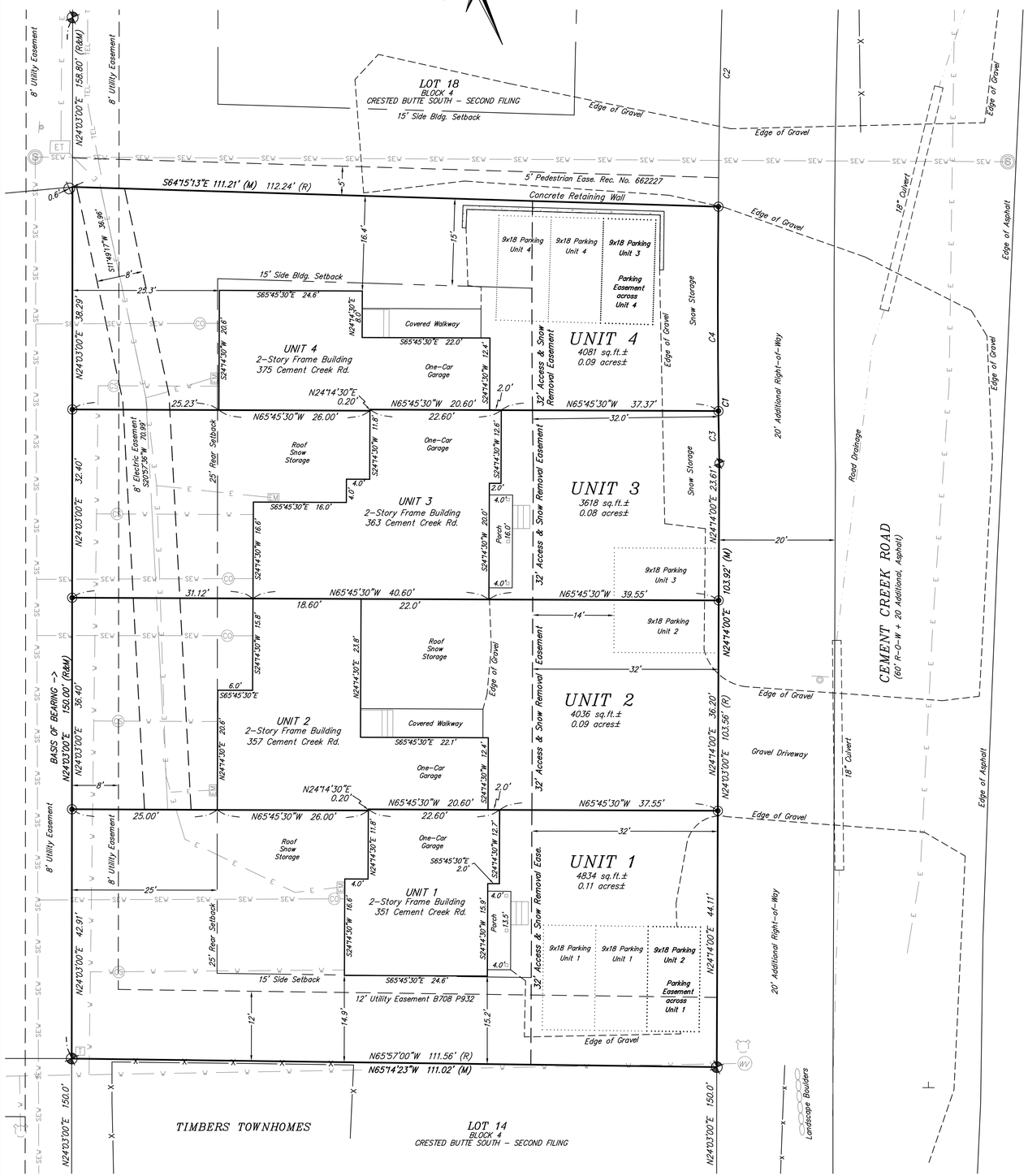
GRAPHIC SCALE

10 0 5 10 20 40

(IN FEET)
1 INCH = 10 FT.

MAGNETIC NORTH

CURVE	RADIUS	ARC LEN.	DELTA ANGLE	CHORD BRG.	CHORD LEN.
C1	1482.50'	44.16'	1°42'25"	N23°48'41"E	44.16'
C2	1482.50'	169.02'	6°31'56"	N27°37'13"E	168.93'
C3	1482.50'	8.99'	0°20'51"	N23°07'54"E	8.99'
C4	1482.50'	35.17'	1°21'34"	N23°59'07"E	35.17'



ATTORNEY'S OPINION

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 the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, and a right of way for ditches or canals constructed by the authority of the United States, as reserved in United States Patent recorded June 30, 1882 in Book 41 at page 494; and in Patent recorded August 12, 1901 in Book 101 at page 248; and in Patent recorded May 19, 1898 in Book 115 at page 303.
2. Easement and right of way for cattle driveway as reserved in Warranty Deed recorded October 1, 1936 with the Clerk and Recorder of Gunnison County, Colorado in Book 245 at page 364, in which the specific location of the easement is not defined.
3. 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 covenants and restrictions of Crested Butte South recorded August 26, 1970, in Book 420 at page 404; in Crested Butte South Property Owners' Association Board of Directors concerning the amendment of the Covenants and Restrictions of Crested Butte South recorded January 21, 1983 in Book 589 at page 304; in resolution concerning the installation and use of satellite dishes recorded December 8, 1988 in Book 661 at page 284; in resolution concerning the use and installation of solid fuel burning devices recorded April 27, 1990 in Book 677 at page 578; in resolution concerning dogs running at large recorded April 27, 1990 in Book 677 at page 581; in resolution concerning impounded dogs recorded November 20, 1990 in Book 684 at page 901; in resolution concerning individual wells and sewage disposal systems recorded June 8, 1993 in Book 725 at page 218; in resolution amending the Covenants and Restrictions of Crested Butte South recorded October 22, 1993 in Book 733 at page 740; in resolution concerning wells and individual sewer disposal systems recorded December 15, 1994 in Book 757 at page 223; in amendment regarding regulation of modular or factory built structures recorded May 1, 1996 in Book 782 at page 202; in amendment regarding the minimum size of multi-family structures recorded May 1, 1996 in Book 782 at page 203; in amendment regarding residential uses on commercial property recorded May 1, 1996 in Book 782 at page 204; in amendment regarding resubdivision recorded May 1, 1996 in Book 782 at page 205; in notice of amendment of Covenants and Restrictions of Crested Butte South recorded November 22, 1996 under Reception No. 472225; in resolution concerning the provision of a legal survey as an architectural submittal requirement recorded March 27, 1998 under Reception No. 482581; in resolution concerning setbacks for driveways, septic tanks and wells recorded April 30, 1998 under Reception No. 483318; in resolution concerning lot appearance recorded October 19, 1998 under Reception No. 487930; in resolution of rules and regulations regarding dogs recorded November 8, 1999 under Reception No. 497644; in amended resolution concerning building deposits recorded March 22, 2001 under Reception No. 509429; in resolution regarding outdoor commercial vendors recorded September 25, 2001 under Reception No. 514482; in resolution concerning the provision of the use of metal siding on the exterior of buildings in Crested Butte South recorded February 5, 2002 under Reception No. 517978; in resolution regarding fines for violations of covenants recorded June 23, 2003 under Reception No. 531851; and in amendment to Covenants and Restrictions of Crested Butte South recorded February 23, 2004 under Reception No. 539220; in resolution regarding the adoption of a short term rental policy by the Crested Butte South Property Owners Association, Inc. recorded May 22, 2018 under Reception No. 653309; and in resolution regarding the Crested Butte South Special Area Regulations recorded April 7, 2020 under Reception No. 665995.
4. Easements, conditions, covenants, restrictions, reservations and notes on the Plat of Crested Butte South - Second Filing recorded September 24, 1970 under Reception No. 281588. Note: easements shown on the Plat are subject to relocation pursuant to provisions of "Covenants and Restrictions" recorded August 26, 1970 in Book 420 at page 404.
5. Easement and right of way for roads over the rights-of-way in Crested Butte South, all Filings, for access to and from lands owned by Crested Butte Highlands, Inc. as granted by instrument dated September 28, 1976 and recorded May 12, 1977 with the Clerk and Recorder of Gunnison County, Colorado in Book 502 at page 237.
6. Terms, conditions and provisions contained in Board of County Commissioners of Gunnison County Resolution No. 03-46 recorded September 25, 2003 under Reception No. 535203.
7. Terms, conditions, and provisions contained in Board of County Commissioners of Gunnison County Resolution No. 43, Series 2004 recorded July 20, 2004, under Reception No. 544256.
8. Terms, conditions, and provisions contained in Board of County Commissioners of the County of Gunnison, Colorado Resolution No. 2008-38 recorded September 03, 2008, under Reception No. 586264 and in Resolution No. 2017-5 amending Resolution No. 2008-38 recorded March 8, 2017 under Reception No. 645299.
9. Any matters disclosed on Boundary Map recorded January 20, 2011 under Reception No. 603344.
10. Terms, conditions, provisions and restrictions of Board of County Commissioners of Gunnison County Resolution No. 2017-6 recorded March 08, 2017 at Reception No. 645298.
11. Terms, conditions and provisions of Certificate of Administrative Review recorded May 29, 2019 at Reception No. 660252 (Lot 16 & 18, Block 4).
12. Terms, conditions, and provisions contained in Pedestrian Easement Agreement recorded September 10, 2019, under Reception No. 662227.
13. Those provisions, covenants and conditions, easements and restrictions, which are a burden to the Townhome Units identified on this Plat, 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 the Party Wall Agreement of Lothlorien Townhomes recorded _____, 2020, at Reception No. _____.
14. The lien for 2020 real property taxes and assessments.

Dated this _____ day of _____, 2020.

_____
Aaron J. Huckstep, Registration No. 39898
Huckstep Law LLC, PO Box 2958, Crested Butte, CO 81230

PLAT 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 LOTHLORIEN 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 the individual unit owner.
5. C.R.S. Section 35-46-101 *et. seq.* requires the land owner to construct and maintain fencing to keep livestock off of the subject 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.
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.

LEGEND

- *– Found Red Plastic Cap Monument, stamped "LS 5239"*
- *– Found Aluminum Cap Monument, stamped "LS 35576"*
- *– Set No.5 Rebar & Plastic Cap Mon., stamped "LS 38048"*
- *(R) – Recorded Measurement*
- *(M) – Measured by Field Survey*
- *EM – Electrical Meter*
- *E – Electrical Pedestal*
- *ET – Electrical Transformer or Pad*
- *– Fire Hydrant*
- *– Gas Line Marker*
- *CO – Sewer Clean-Out*
- *S – Sewer Manhole*
- *– Sign*
- *T – Telephone Pedestal*
- *CS – Water Service (curb stop)*
- *WV – Water Valve*
- *E – Electric Line*
- *SEW – Sewer Line*
- *TEL – Telephone Line*
- *W – Water Line*
- *X – Fence*

COMPLIANCE WITH CERTIFICATE OF APPROVAL

The property described on this Plat is subject to all requirements, terms and conditions of Certificate of Administrative Review, Certification No. _____, Series 2020, recorded at Reception No. _____ of the records of the Clerk and Recorder of Gunnison County.

DEDICATION

Lothlorien LLC, a Colorado limited liability company, being the owner(s) of the land described as follows:

Lot 16, Block 4, Crested Butte South - Second Filing, according to the Plat thereof recorded 24 September 1970 at Reception No. 281588, County of Gunnison, State of Colorado,

1. Lothlorien LLC, under the name of LOTHLORIEN TOWNHOMES, has 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 streets, alleys, roads and other areas as shown hereon and hereby permanently dedicate those portions of land labeled as easements for access and the installation and maintenance of public utilities as shown hereon.

2. Townhome Declaration. The real property laid out as LOTHLORIEN TOWNHOMES, County of Gunnison, State of Colorado, is platted and dedicated pursuant to the terms and conditions of the Declaration Establishing LOTHLORIEN TOWNHOMES dated _____, 2020 and recorded _____, 2020 as Reception No. _____ in the office of the Gunnison County Clerk and Recorder.

IN WITNESS WHEREOF, Robert M. Fessenden, Managing Member of Lothlorien LLC, a Colorado Limited Liability Company, has subscribed his name this ____ day of _____, A.D. 2020.

_____
Robert M. Fessenden, Managing Member of
Lothlorien LLC, a Colorado Limited Liability Company

STATE OF COLORADO)
) ss.
COUNTY OF GUNNISON)

The foregoing Dedication was acknowledged before me this ____ day of _____, 2020 by Robert M. Fessenden, Managing Member of Lothlorien LLC, a Colorado Limited Liability Company

Witness my hand and official seal. My commission expires:

_____
Notary Public

LAND SURVEYOR'S STATEMENT

I, Stephen L. Jessoe, for and on behalf of All County Survey, Inc., do hereby certify that I am a Licensed Professional Land Surveyor in the State of Colorado, that this Plat of LOTHLORIEN TOWNHOMES as laid out, platted and dedicated and shown hereon, was made by me and under my direct supervision. Furthermore, the Plat a) is accurate to the best of my knowledge, information and belief, b) is in accordance with applicable standards of practice,

Dated this 20th day of August, A.D. 2020.

COLORADO LICENSED PROFESSIONAL LAND SURVEYOR STEPHEN L. JESSOE 38048

_____ (Seal)
Stephen L. Jessoe
Colorado Licensed Professional Land Surveyor No. 38048
For and on behalf of All County Survey, Inc.
220 S. Taylor St., Gunnison, CO 81230

SURVEY NOTES

1. Basis of Bearing is based on a record bearing of N24°03'00"E between original red plastic cap monuments stamped "L.S. 5239" found at the southwesterly boundary corner of Lot 16 and the northwesterly boundary corner of Lot 18, as shown hereon.
2. Distances and dimensions are in U.S. Survey Feet.
3. Boundaries are based upon the Plat of Crested Butte South - Second Filing, recorded on 24 September 1970 at Reception No. 281588 of the records of Gunnison County, Colorado.
4. Restrictions, easements, and encumbrances are based upon Land Title Guarantee's Title Commitment File No. GUR88002256-2 dated June 16, 2020.
5. Setbacks are based on the "Crested Butte South Subdivision Residential Design Guidelines" dated May 19, 2011. Rec.# 483318 (4) was removed at the request of Client. Contact the Crested Butte South Property Owner's Assoc. for more details.
6. This plat does not represent a title search by this surveyor. Additional easements and encumbrances may exist.

CRESTED BUTTE SOUTH PROPERTY OWNERS ASSOC. APPROVAL

The within Plat of LOTHLORIEN TOWNHOMES is approved this _____ day of _____, A.D. 20____.

By_____
Dom Eymere, Manager

ATTEST:

_____
Secretary

BOARD OF COUNTY COMMISSIONERS APPROVAL

The within Plat of LOTHLORIEN TOWNHOMES is approved this _____ day of _____, A.D. 20_____, 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 lot 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 Plat 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_____

_____
Gunnison County Clerk and Recorder

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

PLAT of LOTHLORIEN TOWNHOMES
A PORTION of CRESTED BUTTE SOUTH – SECOND FILING
COUNTY of GUNNISON
STATE of COLORADO

SCALE: 1" = 10'

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: 20 August 2020
DRAWN BY: ADJ / SLJ
REVIEWED BY: SLJ

REVISIONS:
1. Parking Spots & Ease. Revision 7/17/20
2. Parking Spots Revision 7/21/20
3. CB South POA Signature Added 7/21/20
4. Parking Spots Revision 7/29/20

PLAT of LOTHLORIEN TOWNHOMES
A PORTION of CRESTED BUTTE SOUTH
– SECOND FILING
COUNTY of GUNNISON
STATE of COLORADO

Gunnison County, CO
4/7/2020 2:54:19 PM
447

665995
Page 1 of 1
R 0.00 D 0.00

BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 14 SERIES 2020

A RESOLUTION REGARDING THE CRESTED BUTTE SOUTH SPECIAL AREA REGULATIONS

WHEREAS, the Crested Butte South Property Owners Association has submitted a Land Use Change application to amend the Commercial Area Master Plan and the Special Area Regulations. The Crested Butte South Special Area Regulations were approved by the Gunnison County Board of Commissioners in Resolution 2008-38 and,

WHEREAS, The *Crested Butte South Special Area Regulations*, Section 106: *Amendment of Existing Covenants, Restrictions, Resolutions, Rules and Regulations* states, "The Existing Covenants, Restrictions, Resolutions, Rules and Regulations, and no portion of them, shall be amended without the prior written acknowledgement, by motion or recorded resolution, of the BOCC;" and

WHEREAS, The CB South POA approved the Commercial Area Master Plan (CAMP) at their Board meeting on November 13, 2019; and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that the Crested Butte South Special Area Regulations be replaced with the attached Exhibit A, "Crested Butte South Special Area Regulations and Commercial Area Master Plan."

THIS RESOLUTION AND THE APPROVAL GRANTED HEREBY shall not be effective unless and until a copy is recorded in the Office of the Clerk and Recorder of Gunnison County.

INTRODUCED by Commissioner HOUCK, seconded by Commissioner MESSNER, and passed on this 7th day of APRIL, 2020.

BOARD OF COUNTY COMMISSIONERS

Jonathan Houck,
Chairperson

Roland Mason,
Commissioner

John Messner,
Commissioner

ATTEST:

Elizabeth Monroe
Gunnison County Clerk and Recorder

GUNNISON COUNTY SEAL COLORADO