AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Lot Cluster Agreement and Declaration; Sandra Lee

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement:

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

Summary:

Cluster lots 20,21,22,23,24, and 25 Townsite of Whitepine

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 12/10/20

Reveiwed by: GUNCOUNTY1\dBaumgarten Discharge Date: 12/10/2020 Certificate of Insurance Required Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 12/11/2020

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

Agenda Date: 12/22/2020

Revised April 2015

MEMO

Date: December 4, 2020
To: BOCC
From: Beth Baker- Community Development
RE: Lot Cluster Request

The Sandra Lee Brath Living Trust, represented by attorney Jacob With has applied to cluster lots in the Townsite of Whitepine.

The trust owns Lots 20, 21, 22,23,24 and 25, Townsite of Whtepine. These lots are all contiguous. They will result in a parcel over one acre in size.

- The application has been reviewed by the County Attorney and the Community Development Director.
- The utility companies in the area have all approved the lot cluster.
- The taxes are current.
- There is no HOA.
- There are no mortgages or lenders.

Please contact me with any questions.

Thank you,
Beth Baker
970-641-0360
bbaker@gunnisoncounty.org

Gunnison County
COLORADO

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 Sandra Brath, Trustee of the Sandra Lee Brath Living Trust dated February 18, 2003
(Owner) **(Owner)**

_____ _____
(Owner) **(Owner)**

RECITALS:

Legal Description: Complete – please attach if too long

Lots 20, 21, 22, 23, 24, and 25, Townsite of White Pine,

County of Gunnison,
State of Colorado

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*. Sandra Brath, Trustee of the Sandra Lee Brath Living Trust dated February 18, 2003

Date: 8-27-20 Sandra Lee Brath
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 27th day of August 2020 by Sandra Brath, Trustee of the Sandra Lee Brath Living Trust dated February 18, 2003 **(Owner/s).**

Witness my hand and official seal.

My Commission expires: 06/25/2021

Notary Public

AGNES KRONERAFF
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID #20134039223
My Commission Expires June 25, 2021

Address:

STATE OF COLORADO)
)ss
COUNTY OF GUNNISON)

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:

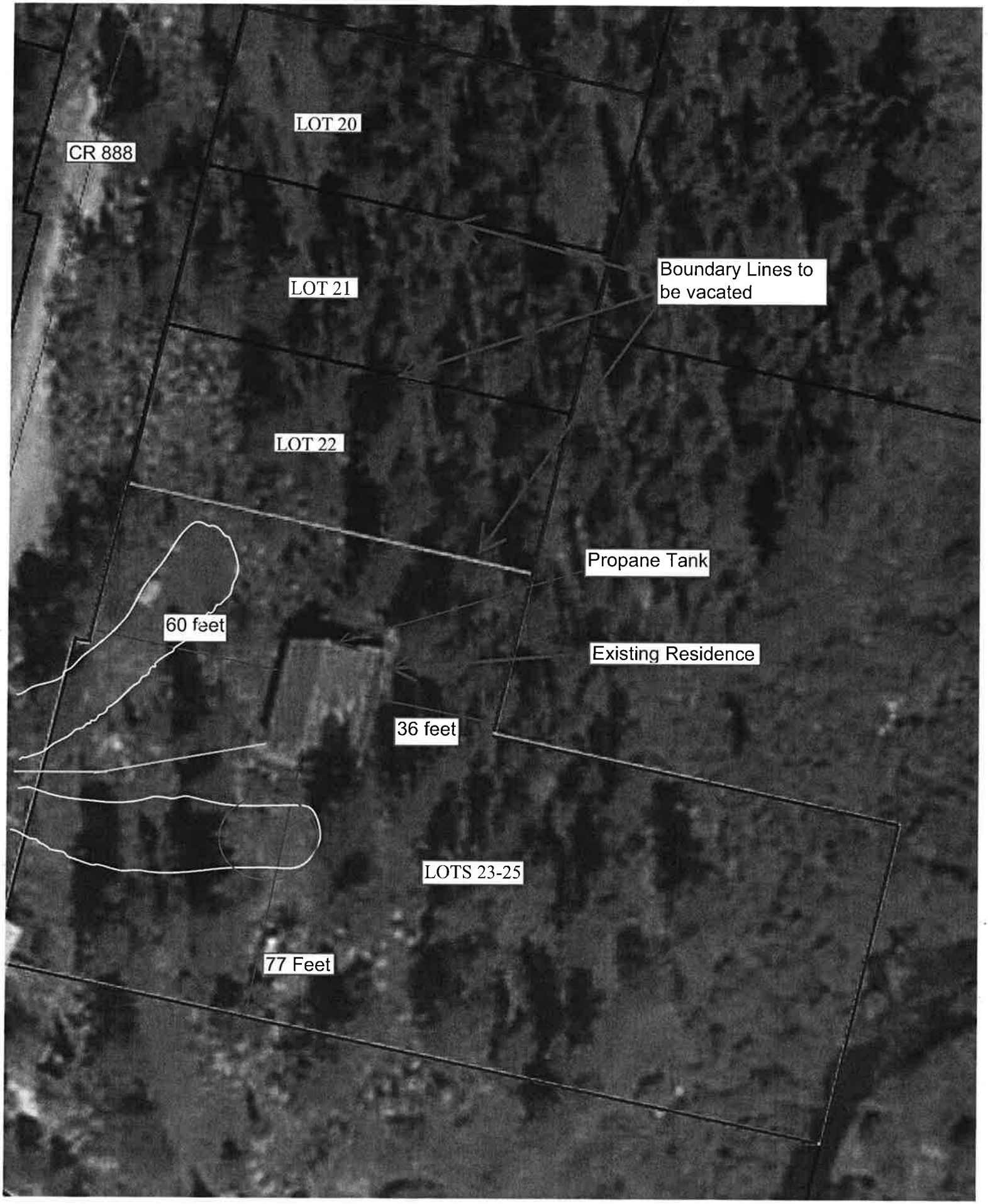
Date: _____

_____	_____	_____
Jonathan Houck Chairperson	Roland Mason Vice-Chairperson	Elizabeth Smith Commissioner

Board of County Commissioners
Gunnison County, Colorado

Attest:

_____
Gunnison County Clerk and Recorder



Driveway shown in yellow, electric line in green, and leech field in pink

Town of Whitepine