

RESOLUTION NO. 34

SERIES NO. 2017

RESOLUTIONS OF THE CRESTED BUTTE TOWN
COUNCIL APPROVING THE AMENDED
CONDOMINIUM MAP OF MAJESTIC PLAZA
CONDOMINIUMS

WHEREAS, the Town of Crested Butte, Colorado (the "**Town**") is a home rule municipality duly and regularly organized and now validly existing as a body corporate and politic under and by virtue of the Constitution and laws of the State of Colorado;

WHEREAS, pursuant to Chapter 16, Article 12 of the Crested Butte Municipal Code, the Town Council may approve plats for, among other things, the creation of condominium property interests;

WHEREAS, the owners of the Majestic Plaza Condominiums (collectively, the "**Subject Property**") desire to replat the Subject property to address certain additions that have occurred to the Subject Property over time:

WHEREAS, the Town Staff and the Town Attorney have worked cooperatively with the owners on the replat and have recommended to the Town Council that it approve the replat of the Subject Property; and

WHEREAS, the Town Council finds hereby that approving the replat of the Subject Property, as recommended by Town staff and the Town Attorney, is in the best interest of the health, safety and welfare of the Town, its residents and visitors.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO, THAT:

1. **Findings.** The Town Council hereby finds that replatting the Subject Property is in public interest. The Town staff report relative to such matters is incorporated herein as supporting findings.
2. **Authorization of Mayor.** Based on the foregoing, the Town Council hereby authorizes the Mayor to execute the Amended Condominium Map of Majestic Plaza Condominiums in substantially the same form as attached hereto as **Exhibit "A"** (the "**Map**") upon proper execution of all parties with an interest therein as approved by the Town Attorney.

INTRODUCED, READ AND ADOPTED BEFORE THE TOWN COUNCIL
THIS 19th DAY OF June, 2017.

TOWN OF CRESTED BUTTE

By: [Signature]
Roland Mason, Mayor Pro Tem

ATTEST [Signature]
Lynelle Stanford, Town Clerk

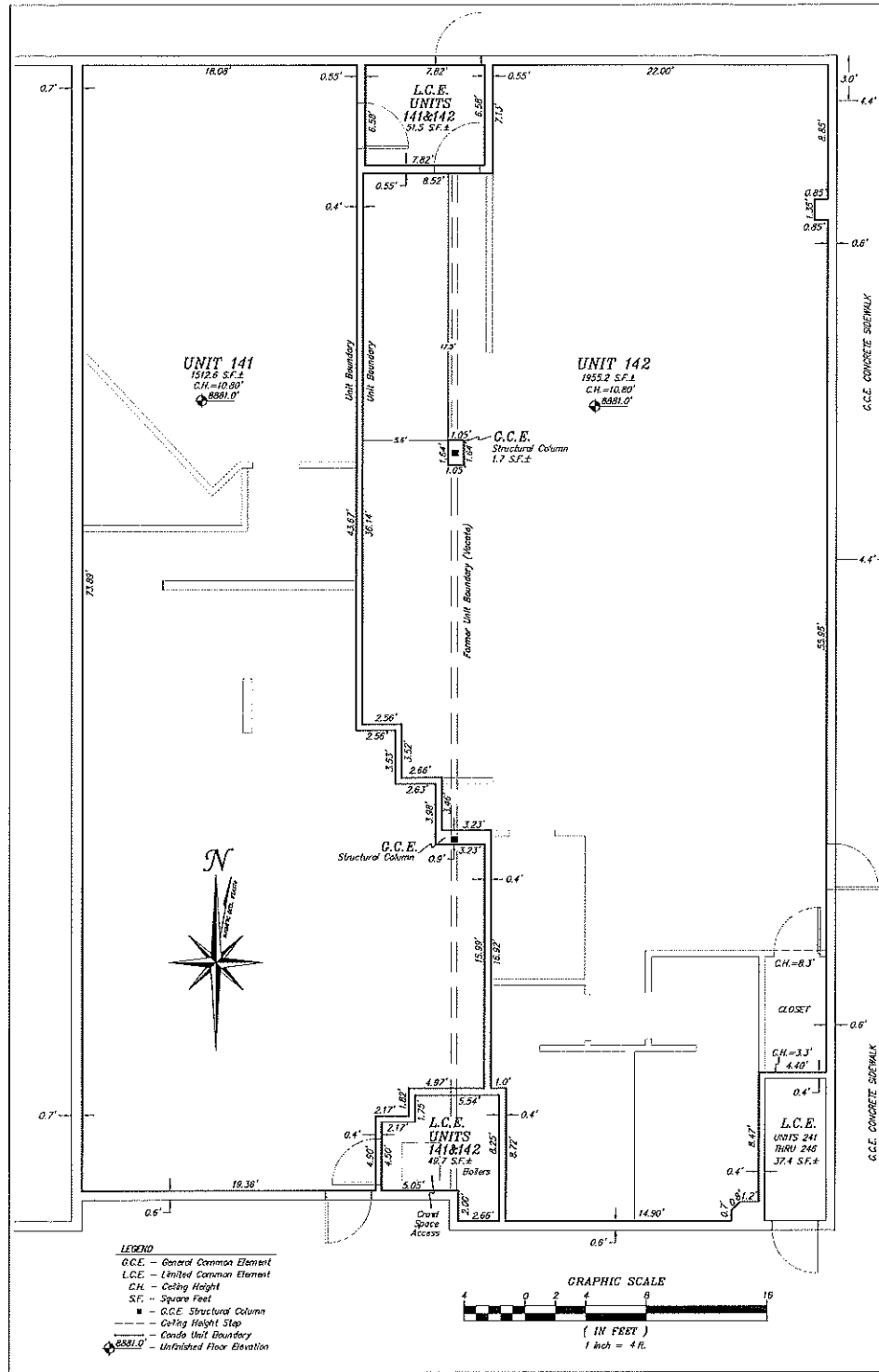
(SEAL)



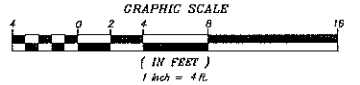
EXHIBIT "A"

(Map)

[attach copy of Amended Condominium Map of Majestic Plaza Condominiums here]



LEGEND
 G.C.E. - General Common Element
 L.C.E. - Limited Common Element
 C.H. - Ceiling Height
 SF - Square Feet
 ■ - G.C.E. Structural Column
 --- - Ceiling Height Slap
 --- - Condo Unit Boundary
 ■ - Unfinished Floor Elevation



LAND SURVEYOR'S CERTIFICATE

I, Stephen L. Jessup, being a registered land surveyor in the State of Colorado, do hereby certify that this AMENDED MAP OF UNITS 141 AND 142, MAJESTIC PLAZA CONDOMINIUMS PHASE II, was prepared and under my supervision and in accordance with the best of my skill and judgment, and that the improvements as constructed conform substantially to the plan and that this map fully and accurately depicts the layout, measurements, locations of all of the improvements on the real property, the easements, and the dimensions of each unit and the elements of the unfinished floors and ceilings.

Dated this ____ day of _____, 2017.
 (Seal)
 Stephen L. Jessup
 Colorado Registered Professional Land Surveyor No. 35048
 For and on behalf of All County Survey, Inc.
 P.O. Box 164, Gunnison, CO 81230

LIEN HOLDER'S CONSENT

This AMENDED MAP OF UNITS 141 AND 142, MAJESTIC PLAZA CONDOMINIUMS PHASE II, is approved this ____ day of _____, A.D., 2017.

Gunnison Bank and Trust
 By: _____
 STATE OF COLORADO)
 County of Gunnison) ss:
 The foregoing instrument was acknowledged before me this ____ day of _____, 2017, by _____, Gunnison Bank and Trust.
 Witness my hand and official seal.
 My commission expires: _____
 Attest:
 Notary Public

ATTORNEY'S OPINION

I, Aaron J. Hackstep, being an attorney-at-law duly licensed to practice before the 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 map and that title to such lands is in the definitive fee and clear of all liens, taxes, and encumbrances, except as follows:

1. Taxes and assessments for the year 2017 and subsequent years.
2. (a) Unperfected mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water.
3. Reversions or Exceptions, or an Act authorizing the issuance thereof, as created by United States Patent recorded in Book 25 at Page 186 and recorded October 15, 1943 in Book 43 at Page 12.
4. Reservation of any and all coal, oil, gas, or other minerals described in Quitclaim Deed recorded April 7, 1916 in Book 794 at Page 537 as Reception No. 210379, together with the appointment rights to mine the surface of the land.
5. All matters as shown on the Plat of Crested Butte recorded July 8, 1937 as Reception No. 294017, Map of the Town of Crested Butte recorded June 6, 1941 as Reception No. 14191 and on the Plat of Town of Crested Butte recorded September 25, 1964 as Reception No. 290766.
6. Any reservation or conveyance of the mineral estate, including but not limited to oil, coal, gas, or hydrocarbon substances, that may have been heretofore reserved or recorded September 4, 1956 in Book 321 at Page 43.
7. Notice of Zoning Conditions and Restrictive Covenants as recorded September 17, 1945 in Book 621 at Page 506.
8. Easement Agreement recorded January 7, 1956 in Book 615 at Page 621.
9. Notice of Ordinances in the Town of Crested Butte recorded December 1, 1984 in Book 636 at Page 145.
10. Ordinance No. 12 Series 1991, Recorded August 23, 1995 in Book 769 at Page 94.
11. All matters as shown on: The Plat of Subdiv. Phase II, Retail Building (Parkside Plaza) recorded October 14, 1948 as Reception No. 410350.
12. Notice of Zoning Conditions and Restrictive Covenants recorded October 14, 1958 in Book 659 at Page 494.
13. Declaration of Restrictive Covenants for Parkside Plaza recorded October 14, 1958 in Book 659 at Page 497 and recorded October 20, 1958 in Book 659 at Page 665 and as set forth in the Supplemental Declaration of Restrictive Covenants for Parkside Plaza recorded November 23, 1958 in Book 660 at Page 846.
14. Restrictive Covenant recorded May 26, 1959 in Book 667 at Page 103 and Re-recorded June 6, 1959 in Book 667 at Page 373.
15. Notice of Zoning Conditions and Restrictive Covenants recorded November 17, 1994 in Book 755 at Page 553, Notice of Amendment to Zoning Conditions and Restrictive Covenants recorded February 12, 1998 as Reception No. 481856, and Notice of Release of Restrictive Covenant Agreement recorded January 30, 2003 as Reception No. 527604.
16. Alley Maintenance Agreement recorded November 11, 1994 in Book 755 at Page 559.
17. Parking Space Agreement recorded November 17, 1994 in Book 755 at Page 562.
18. Grant of Open Space Easement recorded November 17, 1994 in Book 755 at Page 595 and Amended Grant of Open Space Easement recorded January 29, 1999 as Reception No. 481316.
19. Filing Agreement recorded June 26, 1995 in Book 785 at Page 718, in Book 785 at Page 721, and in Book 785 at Page 724.
20. All matters as shown on the Map of Majestic Plaza Condominiums Phase II recorded September 4, 1998 as Reception No. 486721.
21. Condominium Declaration for Majestic Plaza Condominiums recorded June 26, 1996 in Book 785 at Page 729, the Supplemental Condominium Declaration for Majestic Plaza Condominiums recorded September 4, 1998 as Reception No. 486722, and the Second Supplemental Condominium Declaration for Majestic Plaza Condominiums recorded November 21, 2005 as Reception No. 566811.
22. Stove Storage and Parking Easement Agreement recorded January 29, 1999 as Reception No. 481337.
23. Notice of Agreement for Land Use Conditions and Restrictive Covenants recorded September 4, 1998 as Reception No. 486721.

Dated this ____ day of _____, A.D., 2017.

Aaron J. Hackstep, Attorney-at-Law
 License No. 39698

SURVEY NOTES

1. Existing unit boundaries for Units 141 and 142 are based on the MAP OF MAJESTIC PLAZA CONDOMINIUMS PHASE II, recorded on 4 September 1998 as Reception No. 486721 of the records of Gunnison County, Colorado.
2. Amended boundaries of Units 141 and 142 were measured on 21 April 2017.
3. Easements, Restrictions, Encumbrances, and Attorney's Opinion are based solely on Land Title Guaranty Company's Title Commitment No. GUNR500138 dated 12 April 2017.
4. Distances and dimensions are in U.S. Survey Feet.

AMENDED MAP OF UNITS 141 AND 142, MAJESTIC PLAZA CONDOMINIUMS PHASE II

DEDICATION
 KNOW ALL PEOPLE BY THESE PRESENTS: That Victor R. Shepard and Candace J. Shepard, being the owners of the following described real property, hereby declare and dedicate this AMENDED MAP OF UNITS 141 AND 142, MAJESTIC PLAZA CONDOMINIUMS PHASE II, Town of Crested Butte, County of Gunnison, State of Colorado, as follows:

1. DESCRIPTION: The property description of the real property laid out and platted as Amended Map of Units 141 and 142, Majestic Plaza Condominiums Phase II, shown on this Plat is:
 Condominium Units 141 and 142, Majestic Plaza Condominiums Phase II, according to the Condominium map thereof recorded September 4, 1998 as Reception No. 486722, and the Condominium Declaration for Majestic Plaza Condominiums recorded June 26, 1996 in Book 785 at Page 729 and the Supplemental Condominium Declaration recorded September 4, 1998 as Reception No. 486722, and the Second Supplemental Condominium Declaration recorded November 21, 2005 as Reception No. 566811.

**TOWN OF CRESTED BUTTE,
 COUNTY OF GUNNISON,
 STATE OF COLORADO.**

2. CONDOMINIUM DECLARATION: The real property laid out as the Amended Map of Units 141 and 142, Majestic Plaza Condominiums Phase II, Town of Crested Butte, Gunnison County, Colorado, is platted and dedicated pursuant to the terms and conditions of the Condominium Declaration for the Majestic Plaza Condominiums, a condominium project recorded June 26, 1996, in Book 785 at Page 729 of the official records of Gunnison County, Colorado.

IN WITNESS WHEREOF, Victor R. Shepard and Candace J. Shepard, have executed this Dedication this ____ day of _____, 2017.

By: _____ By: _____
 Victor R. Shepard Candace J. Shepard

STATE OF COLORADO)
 County of Gunnison) ss:
 The foregoing instrument was acknowledged before me this ____ day of _____, 2017, by Victor R. Shepard.

Witness my hand and official seal.
 My commission expires: _____
 Attest:
 Notary Public

STATE OF COLORADO)
 County of Gunnison) ss:
 The foregoing instrument was acknowledged before me this ____ day of _____, 2017, by Candace J. Shepard.

Witness my hand and official seal.
 My commission expires: _____
 Attest:
 Notary Public

CONDOMINIUM ASSOCIATION CONSENT

THIS AMENDED MAP OF UNITS 141 AND 142, MAJESTIC PLAZA CONDOMINIUMS PHASE II, is approved this ____ day of _____, A.D., 2017.

The Majestic Plaza Condominium Association, Inc., a Colorado nonprofit corporation.
 By: _____
 Douglas C. D'Aprano, President

STATE OF COLORADO)
 County of Gunnison) ss:
 The foregoing instrument was acknowledged before me this ____ day of _____, 2017, by _____, President of The Majestic Plaza Condominium Association, Inc., a Colorado nonprofit corporation.

Witness my hand and official seal.
 My commission expires: _____
 Attest:
 Notary Public

CRESTED BUTTE TOWN COUNCIL

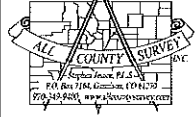
THIS AMENDED MAP OF UNITS 141 AND 142, MAJESTIC PLAZA CONDOMINIUMS PHASE II, is approved for filing this ____ day of _____, A.D., 2017.

TOWN COUNCIL, TOWN OF CRESTED BUTTE, COLORADO
 By: _____ Attest: _____
 Mayor Town Clerk

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 _____, A.D., 2017.

Reception Number _____ Time _____ Date _____
 County Clerk



**AMENDED MAP OF UNITS 141 AND 142,
 MAJESTIC PLAZA CONDOMINIUMS PHASE II
 TOWN OF CRESTED BUTTE,
 COUNTY OF GUNNISON, STATE OF COLORADO**

SCALE: 1" = 4'

According to Colorado Law, you must re-examine every plat within three years after you first discover each defect. It is no error if you do not notice a correction until after the three year period has expired.

DATE: 8 June 2017
 DRAWN BY: SLJ / ADJ
 REVIEWED BY: SLJ

REVISIONS:

AMENDED MAP OF UNITS 141&142
 MAJESTIC PLAZA CONDOMINIUMS
 PHASE II
 TOWN OF CRESTED BUTTE
 COUNTY OF GUNNISON
 STATE OF COLORADO
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