

RESOLUTION NO. 7

SERIES 2019

**A RESOLUTION OF THE CRESTED BUTTE TOWN
COUNCIL CERTIFYING THE OWEN MINOR
SUBDIVISION, EAST HALF OF LOT 26-LOT 30, BLOCK
34, TOWN OF CRESTED BUTTE**

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, on October 30, 2018, during a properly noticed public hearing The Crested Butte Board of Zoning and Architectural Review (the "**Board**"), by motion approved the Owen Minor Subdivision plat (the "**Final Plat**"), Town of Crested Butte; and

WHEREAS, pursuant to Section 17-4-40 of the Crested Butte Municipal Code (the "**Code**"), the Board has certified the Final Plat;

WHEREAS, pursuant to subsection (d) of Section 17-4-40 of the Code, the Town Council must also certify the Final Plat as a pre-condition to the approval of such minor subdivision;

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

WHEREAS, the Town Council hereby finds that approving the minor subdivision of the Owen property by way of certifying the proposed Final Plat thereof is in the best interest of the health, safety and welfare of the Town, its residents and visitors.

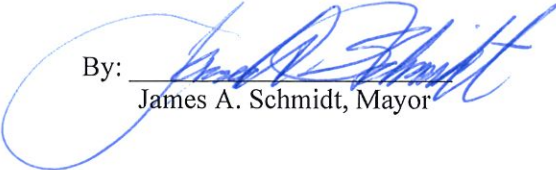
NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO, THAT:

1. **Findings.** The Town Council hereby finds that approving the Owen Minor Subdivision by way of Certifying the proposed Final Plat thereof in the form attached hereto as **Exhibit "A"**, the Board having already approved and certified the same, is in the best interest of the health, safety and welfare of the Town, its residents and visitors, and the Council certifies the Final Plat. 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 Final Plat in substantially the same form as attached hereto as **Exhibit "A"** 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 20th
DAY OF May, 2019.

TOWN OF CRESTED BUTTE

By: 
James A. Schmidt, Mayor

ATTEST


Lynelle Stanford, Town Clerk

(SEAL)

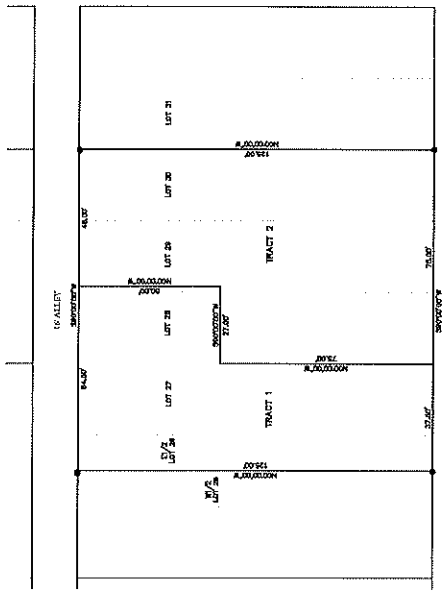
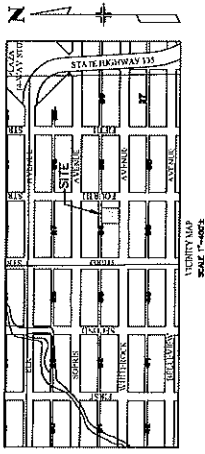


EXHIBIT "A"

Final Plat of Owen Minor Subdivision

[attach approved form here]

FINAL PLAN OF
OWEN SUBDIVISION
LOCATED WITHIN
TOWNSHIP 34 SOUTH, RANGE 68 WEST, OF THE 6TH PRINCIPAL MERIDIAN
TOWN OF CHESTER BUTTE, GUNNSON COUNTY, COLORADO
Approximately 6.17 Acres



- LEGEND**
- SOUND BOUNDARY MARKER
 - SET BOUNDARY MARKER

- NOTICE:**
1. Subject to the Show/Remove Covenant recorded as Record No. _____ in the office of the Gunnison County Clerk and Recorder.
 2. Bearings and distances are as shown on this Final Plat.
 3. Locations based on Town Plat and Control monuments located at the intersection of 7th Street and 2nd Avenue.
 4. Dates of recording and instrument numbers are as shown on the Town Plat and Deed.
 5. According to Colorado law, unless otherwise noted, the plat is based upon the survey as shown on the Town Plat and Deed. The survey is considered to be correct from the date of the survey's completion through this date.

DEDICATION

Know all men by these presents that Owen Whitbeck, LLC, a Colorado limited liability company, does hereby dedicate to the public use of the Town of Chester Butte, Colorado, the following described property, to-wit: the East 1/2 of Lot 26, all of Lot 27, the West 1/2 of Lot 28 and the North 20 feet of the West 1/2 of Lot 29, containing 0.14 acres, more or less,

and

Tract 2 - The South 75 feet of Lot 28 and all of Lot 29 and 20' EASEMENT thereon the North 10 feet of the West 1/2 of Lot 29, containing 0.18 acres, more or less,

under the name and style of OWC (OWEN SUBDIVISION) as shown on the Plat 199,

and by these presents do hereby dedicate to the perpetual use of the Town of Chester Butte, State of Colorado, the streets, alleys, roads, easements and other public portions of land located as such,

in witness whereof, I, the said Owen Whitbeck, LLC, a Colorado limited liability company, do hereby certify that the foregoing is a true and correct copy of the original of the same as the same appears in the records of the County of Gunnison, State of Colorado, on or about the _____ day of _____, 2015.

Owen Whitbeck LLC, a Colorado
limited liability company
By: David Kenneth Owen, Manager

Whitbeck Real Estate Transactions
Inc., a Colorado corporation
By: David Kenneth Owen, President

State of _____
County of _____
The foregoing Dedication was acknowledged before me this _____ day of _____, 2015, by David Kenneth Owen, Manager of Owen Whitbeck LLC, a Colorado limited liability company, who is personally known to me and of legal age.

My commission expires: _____
Notary Public
State of _____
County of _____
The foregoing Dedication was acknowledged before me this _____ day of _____, 2015, by David Kenneth Owen, President of Whitbeck Real Estate Transactions, Inc., a Colorado corporation, who is personally known to me and of legal age.

Notary Public
State of _____
County of _____

BOARD OF ZONING AND ARCHITECTURAL REVIEW APPROVAL

The Board of Zoning and Architectural Review of the Town of Chester Butte, Colorado, does hereby approve the Final Plat of OWEN SUBDIVISION as a meeting of the Board of Zoning and Architectural Review held on the _____ day of _____, 2015.

This Final Plat of OWEN SUBDIVISION is approved by the
TOWNSHIP CLERK AND RECORDERS ACCEPTANCE

By: _____ Chairman
ATTEST: _____ Town Clerk (SEAL)

GUNNSON COUNTY CLERK AND RECORDERS ACCEPTANCE

This Final Plat of OWEN SUBDIVISION was submitted for filing in the office of the Clerk and Recorder of Gunnison County on this _____ day of _____, 2015.

Recorder number: _____
Date: _____

County Clerk

Prepared by:	NCW & ASSOCIATES, Inc.
P.O. Box:	3086
City:	Chester Butte
State:	Colorado 81224
Project:	1811300
Drawn:	PLAT
Date:	5/15/15
Sheet:	1 of 1

- ATTORNEY'S OPINION**
1. Check all items of authority that apply. Authority is provided below the signature of the attorney. The attorney certifies that, to the best of his or her knowledge and belief, and to the best of his or her information and belief, the facts stated in the declaration are true and correct, and that the same are in compliance with all applicable laws and regulations, except as follows:
 1. The fee for 2015 and 2016 property taxes and assessments.
 2. All improvements as recorded in Unified Status Parcel records (B Book 28 at Page 103).
 3. Plans of Town of Chester Butte bearing Record Numbers 1431 and 200704.
 4. Any other laws, regulations or orders by the State of Colorado which have been adopted or amended in Book 85 at Page 145, in Book 78 at Page 36, in Book 77 at Page 27, and in Book 76 at Page 248.
 5. Town of Chester Butte Ordinance No. 12 (June 1997), recorded in Book 701 at Page 84.
 6. Zoning, subdivision, utility, or other laws, regulations, orders or other instruments which have been adopted or amended in Book 85 at Page 145, in Book 78 at Page 36, in Book 77 at Page 27, and in Book 76 at Page 248.
 7. Notices of Zoning Conditions and Resolutions, Ordinances recorded in Book 718 at Page 443.
 8. Notices of Agreement for Land Use Conditions and Restrictions (Government bearing Registration No. 142020).
 9. Deed of Trust in which Deed of the West bearing Registration No. 524044.
- All recording references are to the records in the office of the Gunnison County Clerk and Recorder.
- Dated this _____ day of _____, 2015.
- David Kenneth Owen, Attorney
2720 2nd Ave., 2nd Floor
Chester Butte, CO 81224
Phone: (970) 342-1111
Fax: (970) 342-1100
dowen@ncw.com

LAND SURVEYOR'S CERTIFICATE

I, Norman C. Whitbeck, being a registered land surveyor in the State of Colorado, do hereby certify that the above described plat is a true and correct copy of the original of the same as the same appears in the records of the County of Gunnison, State of Colorado, on or about the _____ day of _____, 2015.

Norman C. Whitbeck, Colorado, L.S. #2739
P.O. Box 3086
Chester Butte, CO 81224