

**BOARD OF COUNTY COMMISSIONERS
HINSDALE COUNTY, COLORADO**

**RESOLUTION 3
Series 2019**

**A RESOLUTION APPROVING THE BOUNDARY LINE ADJUSTMENT BETWEEN
PROPERTIES OWNED BY EDMUND BURKE HUBER, JR. AND MARY KAY HUBER**

WHEREAS, the Board of County Commissioners of Hinsdale County, Colorado has adopted rules pertaining to boundary adjustments pursuant to Section 30-28-133, of Colorado Revised Statutes, as part of the Hinsdale County Zoning and Development Regulations; and

WHEREAS, Section 8.9-17 of the Zoning and Development Regulations addresses the procedures for boundary line adjustments; and

WHEREAS, the final boundary line adjustment of the Huber property was submitted for consideration to the Hinsdale County Planning Commission at its meeting on November 15, 2018, and the Planning Commission has forwarded its recommendation to approve the boundary line to the Board; and

WHEREAS, the Lake Fork Home Owners Association President, Thomas L. Oyler, has indicated in a letter dated 8/25/18 that the HOA is not opposed to the Hubers request to adjust the boundary line on their property; and

WHEREAS, the Huber boundary line adjustment pertains to real property owned by the Hubers within:

Lots 4 and 5, Block 2, Lake Fork Estates North, Filing No. 2, County of Hinsdale, State of Colorado

NOW THEREFORE, LET IT BE RESOLVED, by the Hinsdale County Board of Commissioners that the final boundary line adjustment of the Hubers complies with the applicable requirements of the Hinsdale County Zoning and Development Regulations and is hereby approved.

INTRODUCED by Commissioner Susan Thompson, seconded by Commissioner Kristine Borchers and passed this 22nd day of January 2019.

**BOARD OF COUNTY COMMISSIONERS
OF HINSDALE COUNTY, COLORADO**

By: Stan Whinnery
Stan Whinnery, Chair

ATTEST: Joan Roberts by

Joan Roberts, Deputy

Joan Roberts, County Clerk & Recorder



HINSDALE COUNTY, COLORADO
BOUNDARY LINE ADJUSTMENT APPLICATION

A subdivision Boundary Line Adjustment is a shortened form process for those parcels of land that meet the criteria set forth in Section 8.9-17 of the Hinsdale County Subdivision Regulations. (Please review online at hinsdalecountycolorado.us.) In order to be considered by the Planning Commission this application: (a) must be complete in all particulars; (b) must be accompanied by a survey prepared in accordance with the requirements set forth in the attached directions for this application, and (c) the completed application must be received by the Planning Commission a minimum of fifteen (15) days prior to a regularly scheduled meeting Planning Commission Meeting.

Application Fee of Fifty Dollars (\$50.00) per tract plus Twenty Dollars (\$20.00) per tract for mapping paid at time of application.

Application Number _____ Date Filed: August 9, 2018 "amended"

NAME OF PROPERTY OWNER/S: Edmund Burke Huber, Jr and Mary Kay Huber

ADDRESS/TELEPHONE/EMAIL OF PROPERTY OWNER/S:
39 Hunters Point, New Braunfels, TX 78132 bhuber7@satt.net
830-609-3134 (permanent); 940-944-0378 (seasonal)

LEGAL DESCRIPTION OF LAND: (May be attached. Location map would be useful.)
Lots 4 and 5, Block 2 Lake Fork Estates North

COPY OF DEED ATTACHED: yes

LIST ALL LIENS, ENCUMBRANCES, MORTGAGES, JUDGMENTS, CONTRACTS AND AGREEMENTS AGAINST THE PROPERTY: None

NAME/ADDRESS/PHONE & EMAIL OF REPRESENTATIVE (If Different than Owner):

NAME/ADDRESS/PHONE & EMAIL OF COLORADO REGISTERED SURVEYOR AND/OR ENGINEER TO BE USED IN THE DEVELOPMENT PROCESS:

Alpine Surveying, Inc., P.O. Box 93 Gunnison, CO. 81230
970-641-2937 SKIPHEWITT@USA.NET

TOTAL ACREAGE AND ACREAGE OF EACH PARCEL:
(1) ACREAGE 2.23 (Present) + 30 feet of Lot 4 (Proposed) = 2.701 acres
Lot 5
(2) ACREAGE 4.06 (Present) less 30 feet (Proposed) = 3.590 acres
Lot 4
(3) TOTAL ACREAGE 6.29 (Present) 6.29 (Proposed)

Bobert Huber - Mary Kay Huber Walter Wetterman Construction
Jim Higgins August 9, 2018
Signature of Owner/Developer/Representative _____ Date _____
At present is the contractor and has looked at the site.

Accepted Declined Reason for Acceptance/Denial _____

APPLICATION FEE OF \$50.00 PLUS \$20.00 PER TRACT PAID

Lake Fork Homeowner's Club

5501 Lake Fork Drive

Lake City, CO 81235

Phone (970) 944-2211

Fax: (970) 944-2232

Managers: Lonnie & Julie Reel

August 25, 2018

Hinsdale County Planning Commission

311 Henson St.

P.O. Box 277

Lake City, CO. 81235

Attention- Chairman Ray Ball:

Chairman Ball,

I am writing this letter at Mr. Burke Huber's request as President of Lake Fork HOA to notify the commission that the HOA is not opposed to Mr. Huber's request to adjust his boundary line on his properties lot 4 & 5, Block 2, LAKE FORK ESTATES NORTH, Filing No. 2, according to the official plat thereof on file and of record in the office of the Hinsdale County Clerk and Recorder bearing Reception No. 69868, so that he will have the space needed to build a garage.

Mr. Huber has informed me that he met with the planning commission on August 16th and that a letter from me was requested in the normal course of business. Please consider this letter as the HOA's approval for Mr. Huber to move his boundary line.

If you have any further questions you can contact me by email at toyler@oylerconsultingservices.com or by phone at 407-808-9313.

Sincerely,



Thomas L. Oyler, President, LFHOA

GENERAL WARRANTY DEED

THE MARSHALL E. SCHULKE and RETA A. SCHULKE REVOCABLE TRUST dated July 24, 2001, and any amendments thereto, of the County of Tulsa, State of Oklahoma, Grantor, for the consideration of the sum of TEN DOLLARS (\$10.00) AND OTHER GOOD AND VALUABLE CONSIDERATION, in hand paid, hereby sells and conveys to **EDMUND BURKE HUBER, JR. and MARY KAY HUBER**, as joint tenants, whose address is 39 Hunters Point, New Braunfels, Texas 78132, of the County of Comal, State of Texas, Grantees, the following real property, to wit:

Lots 4 and 5, Block 2, LAKE FORK ESTATES NORTH, Filing No. 2, according to the official plat thereof on file and of record in the office of the Hinsdale County Clerk and Recorder bearing Reception No. 69868,

In the County of Hinsdale, State of Colorado,

also known by street and number as 5800 Lake Fork Road, Lake City, Colorado 81235, with all its appurtenances, and warrants the title to the same, subject to: Distribution Utility Easements; General real property taxes for 2002 due and payable in 2003; Reservations and exceptions as contained in the United States Patent recorded in Book 36 at Page 43 and in Book 44 at Page 574; Acceptance of covenants recorded in Book 113 at Page 974; Declaration of Restrictions, Covenants, Easements, Reservations and Architectural Control recorded in Book 111 at Page 406, Book 113 at Page 976, and in Book 117 at Page 149 and with all amendments thereto of record; Simplified record filed under Reception No. 90978; Easements, restrictions and notes as contained on the official plat recorded at Reception No. 69868; Right of Way as recorded in Book 50 at Page 118; Right of Way Easement recorded under Reception No. 92074; Reservations in instrument recorded in Book 126 at Page 665; Exceptions in Warranty Deed recorded in Book 113 at Page 93; and Mobile home, mobile home park and campground regulations as evidenced by Resolutions of the Board of County Commissioners of Hinsdale County recorded in Book 101 at Page 655, Book 138 at Page 769 and in Book 140 at Page 40.

Signed this _____ day of May, 2002.

The Marshall E. Schulke and Reta A. Schulke Revocable Trust dated July 24, 2001

By: Marshall E. Schulke, Trustee
Marshall E. Schulke, Trustee

By: Reta A. Schulke, Trustee
Reta A. Schulke, Trustee

STATE OF OKLAHOMA)
) ss
COUNTY OF TULSA)

The foregoing instrument was acknowledged before me this 15th day of May,