

# West Antelope Creek Subdivision

located within

NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> of Section 21, T50N, R1W, N.M.P.M.  
Gunnison County, Colorado

## COVENANTS

- The West Antelope Creek Subdivision is subject to the Declaration of Protective Covenants of Antelope Hills filed January 4, 1978 as Book 111 Page 389 of the records of Gunnison County, Colorado.
- Domestic animals must be controlled by leashing, leash, fencing or other physical constraint. Any expense of enforcement of this provision by Gunnison County shall be at the expense of the Lot Owner.
- Pursuant to Colorado Revised Statutes Section 35-45-101 et seq, all Lot Owners are required to construct and maintain fencing in order to keep livestock off their property.
- Individual lot owners may be required to obtain sewer service. The lot owner shall be responsible for the design, installation and future improvements shall comply with the standards of the Gunnison County Public Works Division.
- Livestock Management/Vegetation Standards. Each Lot Owner who maintains horses on a Lot must comply with the following requirements:
  - Animals shall be confined to the lot unless with the Lot Owner.
  - Manure may be composted, used as fertilizer on meadows or removed from the Lot at least every three to six months.
  - Manure piles shall be located a minimum of 40 feet from any lot line and 150 feet from any well, stream or water body. Manure shall be stored so as to protect surface soil groundwater.
  - Animals shall not be allowed to create excessive odor problems or present a health hazard to neighbors or surrounding lands.
  - Adequate drainage facilities or improvements shall be provided by each Lot Owner and constructed to prevent any adjacent land or natural drainage receiving runoff containing contaminants including sediment or organic wastes.
  - Horses must be restricted to a maximum one-quarter acre corrall/vegetated area. There must be a minimum of a 50 foot buffer of natural vegetation between the corral and the slope down to West Antelope Creek; and natural vegetation be maintained at a minimum of 3-4 inches on the remainder of the property to maintain productivity and help prevent soil erosion and weed encroachment.
- Each Lot, including the area which is allowed to be developed, must be maintained with a vegetative ground cover. Vegetative ground cover includes native plants or introduced grasses and forbs, but does not include weeds on bare dirt. The minimum amount of vegetative ground cover shall comply with the Gunnison County Board of Commissioners' Resolution Series 1998 No. 13, "A Resolution Adopting a Policy Regarding the Improvement of Earth Moving Site Revegetation and Nonroad Weed Control Plan for Development and Land Use Changes."

- Lot Owners are required to obtain a Reclamation Permit and an Access Permit from the Gunnison County Public Works Department. Reseeding of property after construction is required to comply with recommendations of the Natural Resources Conservation Service.
- Each single-family home constructed on a Lot shall have no more than two approved solid fuel-burning devices. Any solid-fuel burning device shall be installed pursuant to the standards and specifications defined by the manufacturer of that device, or shall meet the clearances specified in the Uniform Mechanical Code, subject to inspection and approval by the Gunnison County Building Inspector and by the Gunnison Fire Protection District.
- Each owner acknowledges that Gunnison County maintains a Right to Reach policy, per Section 6-103 of the Gunnison County Land Use Ordinance, and has adopted the Gunnison County Code of the West.
- Amendment or termination of these covenants shall occur only upon 100 percent approval of all Lot Owners within the West Antelope Creek Subdivision, and with the approval of Gunnison County.
- Enforcement of these covenants may be initiated by any Lot Owner within the West Antelope Creek Subdivision or by Gunnison County.

## ATTORNEY'S OPINION

I, Deborah A. Hogan, an attorney at law duly licensed to practice in the State of Colorado, hereby certify that I have examined title to all lands herein dedicated and subdivided. Such title is held in the name of David E. Mapes and Lisa D. Mapes, and is free and clear of all liens, defects, encumbrances, restrictions and reservations except as follows:

- Exceptions and reservations as contained in the United States Patents of Record.
- Right of way for County Road 17.
- Restrictions as contained in the Declaration of Protective Covenants for Antelope Hills recorded in Book 511 at Page 309.
- Taxes for the current year due and payable in the following year.

This opinion does not address mortgages, deeds of trust or similar instruments wherein the subject property is utilized as security for a promissory note or other written instrument of debt; nor does it address instruments affecting title but not recorded as of the date of this opinion.

Dated November 9, 2001.

Deborah A. Hogan  
Deborah A. Hogan, Esq., Reg. No. 24404  
WILDERSON, O'HAYRE & DAWSON, P.C.  
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Telephone: 970-641-3326  
Teletype: 970-641-3094

## ATTORNEY NOTES

- All area located outside of the building envelope on each Lot is hereby designated as open space for the private use and enjoyment of and appurtenant to the Lot upon which it is located.
- The Access Easement is for the use of the owners of Lot 2 and Lot 3 for ingress and egress from County Road 17. Costs of improvement and maintenance of the Access Easement shall be shared equally between the owners of Lot 2 and Lot 3.
- David E. Mapes and Lisa D. Mapes reserve a perpetual non-exclusive appurtenant access easement across the existing drive as shown herein being 20' in width, 10' on either side of the centerline of the existing drive, and continuing over and across the Access Easement for ingress and egress to their property.

## DEDICATION

We, David E. Mapes and Lisa D. Mapes, being the owners of the land described as follows:

- Township 50 North, Range 1 West, New Mexico Principal Meridian.  
Section 21: A tract of land within the NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> of said section, being more particularly described as follows:  
Beginning at a Point which is the northeasterly corner of Lot 1 of Antelope Hills Subdivision II, said Subdivision having a reception number of 323780 in the records of Gunnison County, from which the South 1/4 corner of said Section 21 is marked by a USGLO brass cap bears South 36° 37' 09" West 2253.95 feet, thence the following courses:  
1. South 37° 23' 12" East 163.95 feet to the easterly corner of said Lot 1;  
2. South 87° 34' 13" East 107.29 feet along the north line of Antelope Road as platting on said Subdivision to the northerly right-of-way of Antelope Road as described in book 569 at page 509 in the records of Gunnison County;  
3. South 70° 59' 46" East 235.12 feet along said northerly right-of-way;  
4. South 84° 21' 30" East 175.36 feet along said northerly right-of-way;  
5. 98.57 feet along a non-tangent curve to the left, said curve having a radius of 855.17 feet, a central angle of 8° 37' 13", and a chord which bears South 81° 46' 20" East 98.48 feet, along said northerly right-of-way to the east line of said NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>;  
6. North 0° 00' 03" West 271.57 feet along said east line;  
7. South 84° 46' 51" West 114.53 feet;  
8. North 87° 58' 01" West 111.74 feet;  
9. South 89° 06' 06" West 167.35 feet;  
10. North 81° 19' 13" West 108.63 feet;  
11. South 89° 25' 00" West 114.93 feet;  
12. North 77° 17' 11" West 138.21 feet;  
13. North 84° 47' 19" West 88.80 feet;  
14. South 79° 03' 01" West 92.26 feet;  
15. North 71° 53' 00" West 33.20 feet;  
16. North 40° 14' 38" West 50.81 feet;  
17. North 83° 47' 08" West 68.53 feet;  
18. North 71° 46' 32" West 162.49 feet;  
19. South 89° 48' 20" West 110.44 feet to the west line of said NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>;  
20. South 0° 00' 05" West 131.49 feet along said west line to the northerly boundary of said Lot 1;  
21. North 84° 17' 22" East 22.05 feet to the point of beginning of the herein described tract of land.

This tract contains 6.23 acres more or less.  
County of Gunnison,  
State of Colorado.

have laid out, platted and/or subdivided the same as shown on this plat and do hereby dedicate and convey to the owners of lots, tracts or parcels within this subdivision and their heirs, but not to the public at large, the common right to use the streets, alleys, roads and other areas as shown hereon and hereby dedicate those portions of land labeled as easements for the installation and maintenance of public utilities shown hereon.

In Witness Whereof, David E. Mapes and Lisa D. Mapes have subscribed their names this 9th day of NOVEMBER, A.D. 2001.

By David E. Mapes  
David E. Mapes

By Lisa D. Mapes  
Lisa D. Mapes

State of Colorado )  
County of Gunnison ) ss.

The foregoing instrument was acknowledged before me this 9th day of NOVEMBER, A.D. 2001, by David E. Mapes and Lisa D. Mapes.

My commission expires AUGUST 21, 2003.  
My address is 120 N. TAYLOR ST. - GUNNISON, CO 81230



my hand and official seal.  
Colette A. Perneck  
Notary Public

## Gunnison County Planning Commission Approval

The Planning Commission of Gunnison County, Colorado, hereby recommends approval of this plat of the above subdivision, such recommendation being made at a meeting of said Commission held this \_\_\_ day of \_\_\_\_\_, A.D. 2001.

By Francis Under  
Chairperson

## Board of County Commissioners' Approval

The within plat of the WEST ANTELOPE CREEK SUBDIVISION is approved this 4th day of NOVEMBER, A.D. 2001, and the private dedication of the roads and common areas is approved, provided, however, that such acceptance shall not in any way be considered as an acceptance for maintenance or snow removal purposes. Maintenance of, or snow removal from, the subject roads shall be only upon a separate Resolution of the Board of County Commissioners passed in accordance with such policies, Resolutions or ordinances in effect at that time.

By David E. Mapes  
Chairperson

Attest:

By Deborah A. Hogan  
Gunnison County Clerk and Recorder

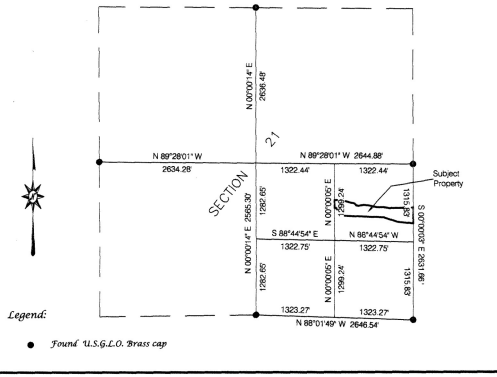


## Gunnison County Clerk and Recorder's Acceptance

This plat was accepted for filing in the office of the Clerk and Recorder of Gunnison County, Colorado on this 4th day of November, A.D. 2001. Reception Number 316344. Time 4:13 PM. Date 12-4-01.

By Deborah A. Hogan  
Gunnison County Clerk and Recorder

Cur 984, 11/3, 358



CONTROL DIAGRAM

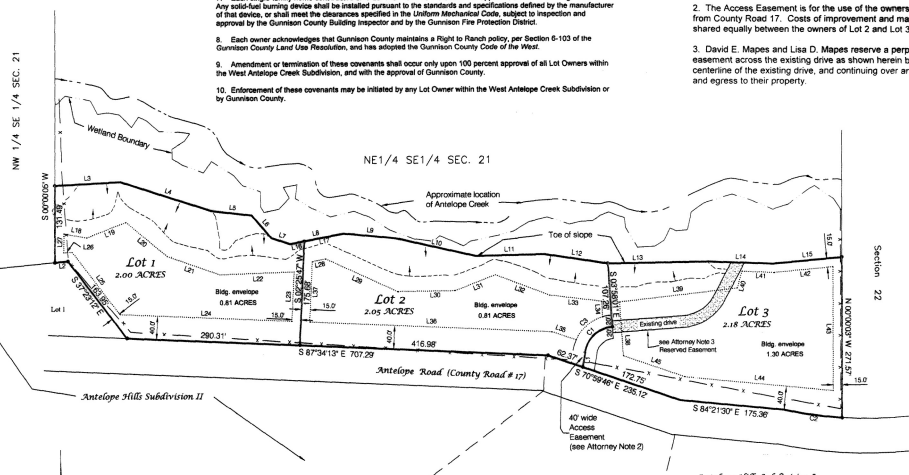
Scale 1" = 1000'

Curve table

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	50.00	68.09	62.86	N 47°11'12"	78°03'36"
C2	69.17	88.47	88.48	S 81°46'02"	98°23'12"
C3	70.00	81.07	59.15	N 48°40'01"	49°50'00"

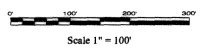
Table of short line segments

LINE	BEARING	LENGTH
L1	N 08°00'00" E	28.22
L2	N 84°17'56" E	28.89
L3	S 84°46'51" W	119.44
L4	N 71°46'52" W	162.49
L5	N 84°17'56" E	68.53
L6	N 47°11'12" E	103.81
L7	N 70°59'46" E	235.12
L8	S 84°21'30" W	175.36
L9	N 84°17'22" E	22.05
L10	N 71°47'17" W	138.21
L11	S 89°06'06" W	167.35
L12	N 81°19'13" W	108.63
L13	S 89°25'00" W	114.93
L14	S 84°46'51" W	114.53
L15	S 89°48'20" W	110.44
L16	S 89°48'20" W	110.44
L17	S 79°03'01" W	92.26
L18	S 89°06'06" W	167.35
L19	N 81°19'13" W	108.63
L20	S 89°25'00" W	114.93
L21	S 84°46'51" W	114.53
L22	S 89°48'20" W	110.44
L23	S 89°48'20" W	110.44
L24	S 89°48'20" W	110.44
L25	S 89°48'20" W	110.44
L26	S 89°48'20" W	110.44
L27	S 89°48'20" W	110.44
L28	S 89°48'20" W	110.44
L29	S 89°48'20" W	110.44
L30	S 89°48'20" W	110.44
L31	S 89°48'20" W	110.44
L32	S 89°48'20" W	110.44
L33	S 89°48'20" W	110.44
L34	S 89°48'20" W	110.44
L35	S 89°48'20" W	110.44
L36	S 89°48'20" W	110.44
L37	S 89°48'20" W	110.44
L38	S 89°48'20" W	110.44
L39	S 89°48'20" W	110.44
L40	S 89°48'20" W	110.44
L41	S 89°48'20" W	110.44
L42	S 89°48'20" W	110.44
L43	S 89°48'20" W	110.44
L44	S 89°48'20" W	110.44
L45	S 89°48'20" W	110.44
L46	S 89°48'20" W	110.44



## LEGEND

- These standard symbols will be found in the drawing:
- Property line
  - Fence line
  - Blg. Envelope
  - Set 1 1/2" aluminum cap, L.S. # 23502
  - Wetland boundary
  - 30% or greater slope



Scale 1" = 100'



## Surveyor's Certificate

I, George Hewitt, a registered professional land surveyor in the State of Colorado, do hereby certify that this survey and plat were made by me and under my direct supervision and checking and that both are true and correct to the best of my knowledge.



George Hewitt  
Alpine Surveying  
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