



POLICY AND PROCEDURES FOR BOUNDARY ADJUSTMENTS/AGREEMENTS

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS ON APRIL 7, 2008

POLICY

It is the Policy of Montezuma County to process insubstantial boundary adjustments/agreements administratively with the Montezuma County Planner acting as review agent with the following process.

PROCESS

1. Property owner(s) who desire to adjust property boundary lines by agreement must submit a signed application and a signed copy of the surveyor's statement to the Montezuma County Planning Department. Applications are available at the Planning Department office and online at www.co.montezuma.co.us go to Departments, click on Planning and select Boundary Line Adjustment Application.
2. No fee is charged for the application or the review.
3. The Montezuma County Planning Department will review all applications submitted and make a determination as to whether the requested action is a boundary adjustment/agreement which will not circumvent the Montezuma Land Use Code or if the application is determined to be a request that requires additional review by the County and may require submittal of other development applications. *Montezuma County does not determine or certify where any boundary line is or is being proposed.*
4. Findings will be attached to each application/request.
 - a. If a determination is made that agrees with the request being a boundary adjustment/agreement then the Applicant(s) may continue to work with a private surveyor to create a plat of the boundary adjustment/agreement and to have the deeds prepared; otherwise applicant shall comply with the Montezuma County Land Use Code.
 - b. If any parcel(s) is/are under 35 acres the planning office will initially see if they can determine how the parcel was created, however, it is up to the Applicant(s) to provide evidence of how the parcel(s) were created as part of the historical use to establish the correct process for the boundary adjustment.
 - c. The Board of County Commissioners may grant exemptions per Section 9103.4 of the Montezuma County Land Use Code.
 - d. If a determination is made by the Planner that the parcel(s) require *zoning or re-zoning*, the Applicant(s) will be required to submit a zoning application with the County. A Public Hearing shall be required for the establishment of or change of zoning.
 - e. If the Applicant(s) do not agree with the findings of the Planning Department, the Applicant(s) has thirty (30) days from the date of the findings to request a review of the findings before the Board of County Commissioners.
5. Plat requirements for a Boundary Adjustment/Agreement:
 - a. Plat size 24x36 inches.
 - b. Plat will comply with CRS 38-51-106 and will include a Vicinity Map.
 - c. Header at the top of the plat, centered if possible, should include the names of the property owners involved in the Adjustment/Agreement.
 - d. New parcels should be properly labeled and/or metes and bounds description shall be placed on the plat including the Books and Pages or Reception Numbers of the plats and deeds of the original parcels. A point of beginning should be assessed within the legal description of parcels.
 - e. Owner(s) signature blocks will include the statement that no new parcels were created and that this boundary Adjustment/Agreement is not intended to circumvent the Montezuma County Subdivision Regulations. Also, when applicable a Mortgage signature block will be included. *Owners and Mortgage Companies must be notarized.*
 - f. Any agreement language or general notes shall be placed at an appropriate place on the plat.
 - g. The standard surveyor's certificate on the plat shall include the statement that no new parcels were created by this survey.
 - h. The completed plat (paper copy) must be submitted to the Montezuma County Planning office for review, comments and approval. Fee for review is \$_____ per review.
 - i. When completed the signed mylar plat and the signed Deeds shall be recorded in the real estates records at the same time with the Montezuma County Clerk and Recorder.

The property owners are responsible for all documents submitted to the County Clerk and Recorder. The Planning Department will not handle any recorded or final documents.

SKETCH OF BOUNDARY ADJUSTMENT/AGREEMENT
(You may submit a drawing from your surveyor in place of this sketch)

Please show the properties affected, and the current/proposed acreage of the parcels: You may use different colors to detail the current boundary lines and the proposed boundary lines.



Your Surveyor will assist you in the completion of this application. See the attached **Surveyor's Statement**.

Signatures

Applicant

Applicant

Date: _____

Date: _____

COUNTY USE ONLY

Based on the information provided herein, this Application complies with the application submittal requirements per the Montezuma County Land Use Code.

Name: _____ Title: _____

Planning Director Review: _____ Date: _____



**BOUNDARY ADJUSTMENT/ AGREEMENT
 MONTEZUMA COUNTY PLANNING DEPARTMENT
 109 WEST MAIN ROOM 305 CORTEZ, CO 81321
 970-565-2801**

EXAMPLE OF LANGUAGE TO BE PLACED ON THE PLAT

AGREEMENT:

I {or We}, _____ being the Owner(s) of the land as shown hereon do hereby agree to the boundary lines as shown hereon and that no new parcels were created by this boundary line agreement.

Name: _____
 Owner

Name: _____
 Owner

NOTARIAL:

State of _____)
) ss.
 County of _____)

My Commission Expires: _____
 My Address is: _____
 Witness My Hand and Official Seal
 (Seal)

Notary Public

MORTGAGEES APPROVAL:

In witness whereof _____, has subscribed their name this ____ day of 200__.

By: _____ of _____
 Mortgagee

****Surveyor Certification shall be required on all plats*



**BOUNDARY ADJUSTMENT/ AGREEMENT
MONTEZUMA COUNTY PLANNING DEPARTMENT
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SURVEYOR'S STATEMENT

Date: _____

I, _____, have been hired to create a boundary adjustment/agreement plat for:

Address: _____

Reason of Request for boundary line adjustment: _____

I have reviewed the request for a boundary adjustment agreement, and state for the record that it appears to be a valid boundary adjustment/ agreement and will not create any new parcel as set forth in the Montezuma County Subdivision Regulations.

Surveyor

L.C. #

Note: This statement needs to be attached to the application.



**MONTEZUMA COUNTY PLANNING DEPARTMENT
109 WEST MAIN ROOM 305 CORTEZ, CO 81321
970-565-2801**

LETTER OF DETERMINATION

Date: _____

Property Owner(s) 1: _____

Property Owner(s) 2: _____

Your request for a "Boundary Adjustment" has been received and reviewed.

- Your request appears to be a boundary adjustment, whereby; it has been determined you will not be circumventing the Montezuma County Land Use Code.

You may now proceed to work with your surveyor to develop a plat. Please review and follow the Boundary Adjustment Guidelines attached herewith.

- Your request for a "Boundary Adjustment" has been DENIED because it does not meet the requirements of the Montezuma County Land Use Code. Your request is defective in the following manner:

- If you wish to continue to develop your property, you must submit an application for the following:

- Zoning
- Subdivision
- Exemption
- Other: _____

If the Applicant(s) do not agree with the findings of the Planning Department, the Applicant(s) has/have thirty (30) days from the date of the findings to request a review before the Board of County Commissioners. Any request shall be made in writing.

Thank you,

Montezuma County Planning Department