

**RESOLUTION
BOARD OF COUNTY COMMISSIONERS
OURAY COUNTY**

RE: Fairway Pines Estates PUD Amendment

WHEREAS, D.L. Day, Jr. has submitted to Ouray County an amendment to the Preliminary Plat/Plan for Fairway Pines Estates PUD; and

WHEREAS, the Ouray County Planning Commission has reviewed the said preliminary plan/plat amendment for Fairway Pines Estates PUD in accordance with Section 6.13 of the Ouray County Land Use Code during a Regular Meeting on the 15th day of November, 2004; and

WHEREAS, the request was heard by the Ouray County Planning Commission on November 15, 2004 during a regular meeting, and it is understood that the granting of this request is to allow D.L. Day Jr. an opportunity to determine the feasibility of purchasing the unplatted property located within Fairway Pines Estates from the Pines Development Group; and

WHEREAS, the Ouray County Planning Commission has, in accordance with Section 6.13 of the Ouray County Land Use Code, recommended approval with conditions of the preliminary plan/plat amendment for Fairway Pines Estates PUD; and

WHEREAS, the Board of County Commissioners is ready to take action on the recommendation of the Ouray County Planning Commission regarding said proposed Preliminary Plan/Plat amendment.

NOW, THEREFORE, BE IT RESOLVED, that in accordance with the recommendation of the Ouray County Planning Commission, the proposed amendment to the Preliminary Plan/Plat for Fairway Pines Estates PUD is hereby **APPROVED WITH CONDITIONS** as follows:

1. The Ouray County Attorney shall review the validity of the proposed extension and the subsequent recommendation of approval by the Planning Commission; and
2. The deadline of the extension shall be March 30, 2005; and
3. A sixty (60) day extension, beyond March 30, 2005, shall be allowed if it is found that the negotiations to purchase the remaining unplatted property are successful. By the end of such extension the applicant shall submit an application for amendment of the preliminary plat that shall include all timeframes for completion of all amenities including paving not done to date, completion of a clubhouse, and any other amenities listed in previous approvals and/or resolutions governing this issue. This application must be complete to the degree that the Planning and Zoning Commission can recommend approval and/or non-approval to the Board of County Commissioners. An application that is submitted to this degree of compliance and completeness shall constitute the basis for an additional six (6) month extension that begins sixty (60) days after March 30, 2005. If not complete to such a degree, the requirement and procedure for revocation as listed in Condition 6 is in place. This six-month deadline may only be extended according to the voting requirements set forth in Resolution No. 1998-070, Section III Timing, Reception #168547, Page 3 of 17; and

4. All applicable conditions of the previous resolutions shall remain in force; and
5. Details as to the proposed future of Fairway Pines Estates shall be submitted together with an application and all required information for approval of a preliminary plan/plat amendment prior to the end of the extension. The amendment shall include a plan to pave all unpaved internal roads within approved Filings of Fairway Pines Estates and submittal of a special use permit for the construction and maintenance of the "clubhouse," with completion date. Such completion date shall be within eighteen (18) months of submittal unless an extension is approved pursuant to the voting process as recommended in Condition 3; and
6. In the event that negotiations between D.L. Day, Jr. and the Pines Development Group for the purchase of the unplatted property located within Fairway Pines Estates fails, D.L. Day, Jr. shall notify the County within ten (10) days of notification of such failure or at the end of the sixty (60) day extension absent proof of successful negotiations as quantified in Condition 3. The Board of County Commissioners will begin revocation hearings as soon as meeting schedules allow but in no event later than thirty (30) days after such notification/event occurs.

Adopted this ____ day of _____, 2004.

BOARD OF COUNTY COMMISSIONERS
OF OURAY COUNTY, COLORADO

Tom Hollenbeck, Chairman

Michelle Nauer, Clerk and Recorder

Don Batchelder, Vice-Chairman

By: _____
Linda Munson-Haley,
Deputy Clerk of the Board

William Ferguson, Member