

RESOLUTION

**BOARD OF COUNTY COMMISSIONERS
FOR THE COUNTY OF OURAY, COLORADO**

**Re: Final Plat Amendment Request of
Loghill Mesa Fire Protection District, Petitioner**

At a regular meeting of the Board of County Commissioner for Ouray County, Colorado, held at the Ouray County Courthouse on the 24nd day of October, 2005 and on the 7th day of November, 2005, there were present:

Don Batchelder, Chairperson; Heidi M. Albritton, Commissioner; Kristi R. Westfall, Commissioner; and Connie Hunt, County Administrator

when the following proceedings, among others, were had and done to-wit:

WHEREAS, on August 22, 2005, by Resolution 2005-055, the Ouray County Board of County Commissioners approved a request by Loghill Mesa Fire Protection District ("District") for a subdivision pursuant to C.R.S. 24-67-106(3)(b.5) conditioned, in part, upon final BOCC approval of an amended Final PUD Plat/Plan upon substantial compliance with the procedures contained in Section 6.13 of the Ouray County Land Use Code; and

WHEREAS, the Board of County Commissioners has received an opinion from the County Attorney that C.R.S. 24-67-106(3)(b.5) permits the subdivision of land to which a governmental entity holds legal title and which is located within a Planned Unit Development that has been set aside for a governmental use or purpose as specified in the Plan, the Plan Agreement or related document, provided that there be compliance with the process and requirements of C.R.S., 24-67-106(3)(b.5); and

WHEREAS, there has been compliance with the process and requirements outlined by C.R.S. 24-67-106 (3)(b.5); and

WHEREAS, there has been substantial compliance with the procedures contained in Section 6.13 of the Ouray County Land Use Code, although compliance with said Section 6.13 is not required, pursuant to C.R.S., 24-67-106(3)(b.5); and

WHEREAS, proper notice of and opportunity to be heard regarding the final plat amendment has been provided; and

WHEREAS, the Board of County Commissioners is ready to take action upon this matter.

NOW, THEREFORE, BE IT RESOLVED, based upon the foregoing, that the amended Final Plat/Plan as proposed by the District is hereby APPROVED subject to all of the following conditions:

1. Lot 1A, Block A, Loghill Village Unit I (hereinafter referred to as "Lot 1A"), consisting, after subdivision and creation of Lots 1B and 1C, Block A, Loghill Village, Unit 1 (hereinafter referred to as Lots 1B and Lots 1C), of approximately fifty (50) acres, shall remain restricted to governmental use and purposes in accordance with the PUD Plan and related documents and shall not be further subdivided for residential purposes. Lots 1B and 1C shall be restricted to single-family residential use only.

2. The future use of all or any portion of the land shall in all other respects be consistent with the efficient development and preservation of the entire Planned Unit Development and with the plan.

3. An easement on Lot 1A adjacent to and following a course generally following the north boundary of Lots 1B and 1C and adjacent to and following a course generally following the west boundary of Lot 1B shall be dedicated to the public for the sole use as a public hiking trail and shall be included in the plat notes on the Final Plat. This hiking trail dedication shall be subject to the right of the District to

relocate such easement in its sole discretion.

4. The District shall provide documentation that two residential water taps are available and designated for Lots 1B and 1C prior to recording the Final Plat and such purchase/transfer of said taps shall occur at the time of sale of each newly created Lot. The requirement for purchase of such taps at the time of sale of the Lots shall be evidenced by an executed Improvement Agreement in the form attached hereto as Exhibit A.

5. A fee in lieu of dedication for each of the newly created Lots shall be paid to the Ouray County School District, R-2 as required by Section 26 of the Ouray County Land Use Code.

6. Certification of the Final Plat shall be by an attorney rather than by a title company regarding the examination of title to the lands shown on the Final Plat, the ownership of such lands; and the status of such lands as free and clear of all encumbrances, liens and taxes.

7. Lots 1A, 1B and 1C shall be bound by the recorded protective covenants for the Loghill Village Planned Unit Development, Unit 1.

8. The District shall pay final plat amendment application fees to the Ouray County Land Use Department.

9. The Final Plat shall contain dedication language which shall clearly dedicate the fifty (50) foot access and utility easement from Ponderosa Drive to Lots 1B and 1C for use by the owners of said Lots and encumbering Lot 1A.

Upon execution of the above-mentioned Improvement Agreement and satisfaction of the other above-enumerated conditions, the Final Plat for the Replat of Lot 1, Block A, Loghill Village, Unit 1 may be recorded and such recordation shall constitute final approval for said Replat and subdivision.

Introduced, read and passed this 7th day of November, 2005.

BOARD OF COUNTY COMMISSIONERS
OF OURAY COUNTY, COLORADO

Attest:

Don Batchelder, Chair

Michelle Nauer, Clerk and Recorder

Heidi M. Albritton, Vice Chair

By:

Linda Munson-Haley,
Deputy Clerk of the Board

Kristi R. Westfall, Member