

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF OURAY COUNTY, COLORADO
FOR FINAL DEVELOPMENT PLAN APPROVAL FOR THE
WATERVIEW COVE PUD**

WHEREAS, Fiserv ISS & Co FBO Grant R. Walker IRA (“Applicant”) has filed an application for final development plan approval of the Waterview Cove PUD (“Application”); and

WHEREAS, the Board of County Commissioners of Ouray County, Colorado (“Board”) heard comments on the Application and the Applicant’s request for Final Development Plan Approval at its regularly scheduled and noticed meetings on June 5, 2006 and July 10, 2006; and

WHEREAS, the Board has reviewed the Application and supporting materials, Staff Report and various other information supplied to the Board regarding issues relating to Waterview Court and Waterview Lane, which roads provide access to the proposed Waterview Cove PUD; and

WHEREAS, based upon the Application, supporting materials, Staff Report and comments, the Board has determined that the Application meets the conditions and criteria as set forth in the Ouray County Land Use Code (“LUC”) at Section 6.10 (D)(9) of the LUC and otherwise complies with the applicable provisions of the LUC for approval of the Final Development Plan for Waterview Cove PUD;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF OURAY COUNTY, COLORADO, AS FOLLOWS:

1. The Final Development Plan for the Waterview Cove PUD is approved, subject to the following conditions:

a. The Applicant shall execute the Addendum to Planned Unit Development Agreement and shall submit, no later than _____, 2006, a Performance Bond in the amount \$25,042.00 which represents ten percent (10%) of the estimated costs of the improvements for Waterview Cove PUD (“Project”), as required by Section 6.10(D)(6)(e)(iv) of the LUC. Upon the final completion of the improvements for the Project and the certification by appropriate Ouray County personnel that all improvements have been satisfactorily completed, the Performance Bond may be released to the Applicant.

b. A plat note shall be included on the final plat to require site-specific soils and drainage analysis and foundation engineering prior to the issuance of any building permits for any of the lots within the Project.

c. The proposed fire escape route shall be cleared so that it may be used in an emergency and the covenants for Waterview Cove shall reflect that the homeowner’s association for Waterview Cove shall be responsible for maintaining such emergency route.

d. The Applicant adequately providing for the future maintenance of the roads that access the Project, specifically, Waterview Lane and Waterview Court. In order to ensure such maintenance obligation, the covenants for Waterview Cove shall include language approved by

the Ouray County Attorney that reflects the obligation of owners of Waterview Cove to participate in the maintenance of Waterview Lane and Waterview Court according to the terms of that certain "Grant of Luppi Easements" dated March 21, 2000 and recorded as Reception No 172046 on April 7, 2000 in the records of the Ouray County Clerk and Recorder. Such language shall reflect that the minimum payment for maintenance of Waterview Lane and Waterview Court for owners of Waterview Cove shall be \$450.00 annually and that the covenants for Waterview Cove shall not be amended to delete or amend such maintenance obligation without the prior written approval of the Board.

e. A fee in lieu of land dedication to the Ridgway School District must be paid, however, Applicant has represented that such fee has been paid.

2. Once all conditions of Final Development Plan approval have been met, the Applicant shall submit its Final Plat for approval by the Board.

APPROVED AND ADOPTED THIS 17th DAY OF JULY 2006, RATIFYING ACTION TAKEN ON JULY 10, 2006.

Board of County Commissioners of
Ouray County, Colorado

Heidi M. Albritton, Chair

Don Batchelder

Kristi R. Westfall

ATTEST:

Michelle Nauer
Ouray County Clerk and Recorder