

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF OURAY COUNTY, COLORADO
FOR APPROVAL OF THE
POINTE ESCAPE SITE PLAN**

WHEREAS, Pointe Escape LLC (“Applicant”) has filed an application for approval of a site plan for a project known as Pointe Escape (“Application”) located on Lot 54, Loghill Village Unit 4, according to the plat thereof filed for record on January 28, 1988 as Reception No. 142279 in the office of the Ouray County Clerk and Recorder (“Plat”), said Lot 54 being designated for 9 cluster units on said Plat; and

WHEREAS, the Board of County Commissioners of Ouray County, Colorado (“Board”) heard comments on the Application and the Applicant’s request for Site Plan Approval at its regularly scheduled and noticed meeting on August 28, 2006; 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 of the LUC and otherwise complies with the applicable provisions of the LUC for approval of the Site Plan for Pointe Escape;

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

1. The Site Plan for the Point Escape is approved, subject to the following conditions:
 - a. The Applicant’s Engineer shall provide test reports and comply with inspection and certification requirements for all roadway construction per Section 23.3 of the Ouray County Land Use Code prior to recordation of the Site Plan or Applicant may submit satisfactory bonding for the completion of all required improvements for the Board’s approval prior to recordation of the Site Plan; and
 - b. The Applicant shall provide proof that all required infrastructure has been completed and all utilities have accepted and approved the installation of such utilities prior to recordation of the Site Plan or Applicant may submit satisfactory bonding for the completion of all required improvements for the Board’s approval prior to recordation of the Site Plan; and
 - c. All construction on any unit within Pointe Escape shall be subject to the codes and impact fees applicable at the time of building permit application.
 - d. A note shall be added to the plat requiring all construction within Pointe Escape to be in compliance with Section 9 – Visual Impacts of the Land Use Code.
 - e. Due to the proposed length of the cul-de-sac, prior to recording final Site Plan, the Applicant shall provide emergency egress for the Units within Pointe Escape and such emergency egress shall be shown on the recorded Site Plan; apply for and receive approval of a variance to the maximum length allowed for a cul-de-sac as described under Section 23.2 C.(5) of the LUC or redesign the site plan showing the cul-de-sac at a length no greater than 1,320 feet. Should the Applicant apply for a variance as provided herein, the application fee shall be waived.

- f. The conditions of this approval shall be binding upon and shall inure to the benefit of the parties hereto and their respective successors, heirs and assigns and all benefits and burdens created by this approval are intended to and shall be a covenant running with the land subject to this approval.

APPROVED AND ADOPTED THIS ____ DAY OF SEPTEMBER 2006, RATIFYING ACTION TAKEN ON AUGUST 28, 2006.

BOARD OF COUNTY COMMISSIONERS
OF OURAY COUNTY, COLORADO

Attest:

Heidi M. Albritton, Chair

Don Batchelder, Vice Chair

Michelle Nauer, Clerk and Recorder
By: Linda Munson-Haley, Deputy Clerk of the Board

Kristi R. Westfall, Member